Vol. XCI, No. 4 October, 1934

The Ecclesiastical Review

Monthly Publication for the Clergy Cum Approbatione Superiorum

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PUBLISHED BY BOARD OF TRUSTEES
OF THE
AMERICAN ECCLESIASTICAL REVIEW
FOR
THE CATHOLIC UNIVERSITY OF AMERICA

PUBLISHED
113 E. Chestnut Street
Lancaster, Pa.

1722 Arch Street
PHILADELPHIA

GENERAL OFFICES
1722 Arch Street
Philadelphia, Pa.

Copyright, 1934. American Ecclesiastical Review

Subscription Price: United States and Canada, $4.00—Foreign Postage, $1.00 additional
Agents { Great Britain: Burns, Oates & Washbourne, Ltd., 43 Newgate St., London, E. C. 1, England.
Ireland: Veritas Company, Ltd., 7 & 8 Lower Abbey St., Dublin
Australia: W. P. Linehan 244 Elizabeth St., Melbourne, Victoria.
Entered, 2 July, 1904, as Second Class Matter. Post Office at Lancaster, Pa., under Act of 3 March, 1879
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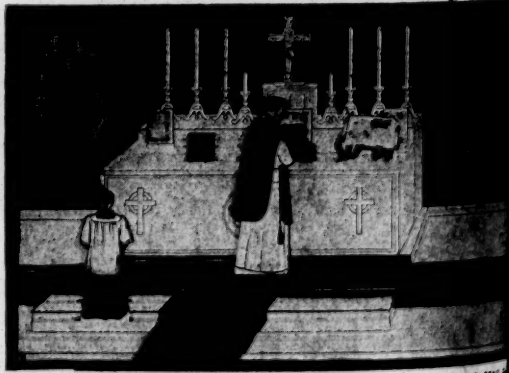

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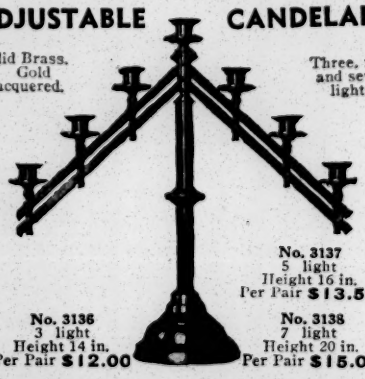

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THE ECCLESIASTICAL REVIEW

TENTH SERIES.—VOL. I.—(XCI).—OCTOBER, 1934.—No. 4.

RELATION OF THE SOCIETY FOR THE PROPAGATION OF THE FAITH TO THE AMERICAN BOARD OF CATHOLIC MISSIONS.

In the United States they constitute a Joint Society.

THE PURPOSE of the Society for the Propagation of the Faith for Foreign Missions is to promote the sowing of the seeds of faith in pagan lands, and to assist newly received converts in establishing their centers of worship. To this end it seeks to enroll "omnes Catholicae et Apostolicae fidei cultores," who will pool their daily prayers that Christ's "Kingdom may come," and become sharers in the merits of the many thousands of missionaries by contributing a mite each year toward their support.

The "greatness of the harvest," or the magnitude of the missionary field, is astounding. It embraces whole continents and a thousand islands in the seas, housing more than a thousand million "creatures" to each of which the gospel must be preached. In the year 1930 there were 477 mission territories, 130 of which had been erected during the first eight years of the pontificate of the present gloriously reigning Pope.

In these mission fields the "laborers" seem not to be "few," numbering, as they did four years ago, 14,886 Priests, 5,137 Brothers, 30,939 Sisters, 61,941 Catechists, 43,018 Teachers, 20,196 Baptizers, 250 Physicians, 850 Nurses—a grand total of 175,000 men and women—who are "spending themselves and being spent" for the salvation of "other sheep" still bound by the shackles of heathenism and paganism.

Four years ago there were in these mission areas 1,609 orphanages, sheltering 76,628 children; 667 hospitals, in which

24,383 cases were handled; 2,222 dispensaries, in which 15,538,702 sick people were treated.

The total number of Catholics in missions under the Propaganda is about 14,000,000, served from 46,000 churches and chapels—more than twice the number existing in the United States.

The Society for the Propagation of the Faith, extremely humble in its beginning, had, even before the World War, grown to be the greatest source of inspiration and sustenance to the great army of modern apostles, now representative of all Christian nations, engaged in the work of world evangelization.

Headquarters Moved to Rome.

Founded at Lyons, France, in 1882, this Society maintained its headquarters there until 1922, when the general offices were transferred to Rome, where they properly belonged after the Supreme Shepherd of Christ's entire flock decided to designate it the official and best suited Pontifical agency for the collection of mission funds. In Rome the Holy Father has the close contact with the Society which is needed for judicious counsel and administration.

In a special Motu Proprio entitled *Romanorum Pontificum,* Pius XI, in the first year of his pontificate, announced his purpose to the entire Christian world, and besought all his brethren in the hierarchy, even those in mission territories, to establish branches of the Society in their respective dioceses. He said:

> The Society for the Propagation of the Faith will be the instrument in the hands of the Holy See for the collection everywhere of the alms of the faithful and their distribution among all Catholic Missions.
>
> So pleasing is this Society to our heart that to all who are enrolled in it we willingly open the heavenly treasures of the Church of which it has pleased the Most High to constitute us the dispensers.

What a consolation to the "Pope of the Missions" to note that conversions in heathen lands have numbered almost 1,000,000 per year during His pontificate! He has seen 3,000 priest-workers added to the teaching apostolate, of whom more than 1,000 are natives; he has witnessed the establishment of

150 minor seminaries; he has induced some 20 more societies of men, and some 130 more societies of women to assume foreign mission obligations.

The Sovereign Pontiff's grief over apostacies from the Faith in the countries of Europe, heretofore boastful of their Christianity, is in part assuaged by the comforting thought that laborers are actually rushing into the vineyards so long uncultivated in China, Japan, Africa, and India, even though they know they will " not be paid what is just " in this world.

Allocations of the funds accruing from world-wide collections for the Society for the Propagation of the Faith for Foreign Missions indicate what are regarded as the principal foreign mission fields of the world. Once a year the entire sum in the treasury is distributed. For the year 1933 the aggregate collections from all sources, amounting to $3,467,-264.70 were distributed as follows, according to a report of the Rev. John Considine, M.M., writing in *Catholic Missions* for January, 1934:

Division	*Sum Allocated*	*Percent of Whole*
Africa	$842,450.39	24.3%
China	780,923.08	22.5%
India	400,038.46	11.5%
Oceania	294,830.31	8.5%
America	268,692.31	7.8%
Japan	186,692.31	5.4%
Europe	181,360.85	5.2%
Western Asia and Russia	169,430.85	4.9%
Indo-China	114,384.61	3.3%
Special allotments to the Holy Father and the Congregation of Propaganda	228,461.53	6.6%
	$3,467,264.70	100

It will be noted that Africa received more than any other country. In this continent of 150,000,000 people, there are 15,000 missionaries working in 35 political divisions, under 130 Bishops and Prefects Apostolic. In Africa Catholics number 5,400,000, or about one to every twenty-seven non-Catholics. Converts numbered, in round numbers, 150,000 last year—four times as many as in the United States.

The Rev. Peter Coenen, writing in the *Holy Childhood Annals* for January-February, 1934, declares that he supervises fourteen mission stations, in each of which about 1,000 pagans are converted annually; that each mission station covers an

area equal to that of an average diocese in Catholic countries. He declares that 80,000 are under instruction in his territory, and that 1,000,000 more are eager to be received into the Church.

In China, where 440,000,000 live, there are some 9,000 missionary workers who, last year, received into the Church 69,000 members. The latest report shows China to harbor 2,624,000 Catholics, or one to each one hundred seventy non-Catholics—a better ratio than we have in some states in our Union.

China received last year from the Propagation of the Faith fund $780,923.08, or 22.5 of the total, representing an average allocation of $8.70 per missionary.

Of India's population—some 325,000,000—Catholics count, in round numbers, 3,500,000, which represents a ratio of one to ninety non-Catholics—a better ratio than exists in a number of our States.

Only Japan and Korea jointly have a lower proportion of Catholics in relation to the total population than North Carolina and Georgia in our own country. Japan counts 210,000 Catholics among 86,000,000 inhabitants, which represents a ratio of one to four hundred non-Catholics.

The reader may be surprised to learn that there is only one Catholic of the Uniate rite to every three hundred of Greece's population. There the Catholics number 21,000 among 6,000,000 and progress is extremely slow, due to the century-old antipathy of the Greek toward the Latin.

In Russia, included among the Near East Missions, there are about 1,550,000, who would practise the Catholic religion if they had the opportunity. This means about one to every hundred of the population.

American Help Invaluable.

One can readily surmise how great the problem of supporting the missions became following the World War. The people of the impoverished nations of Europe, themselves objects of charity, could give little. The United States, which played the rôle of Santa Claus in numerous ways to most of the world during the long reconstruction period, was called on to carry a greater portion of the burden of the missions. The Holy Father was not disappointed at the response to his plea

that in every diocese under the Stars and Stripes the Pontifical Mission Society be organized.

While an analysis will disclose a ridiculously small per capita contribution from American Catholics during the boom years between 1925 and 1930, yet the sum total forwarded to Rome prevented such a treasury deficit as would have spelled catastrophe. Then came the industrial depression, which dealt a comparatively harder blow to ours than to any other nation. Our collections became smaller, memberships in the Pontifical Society were not renewed, Mass intentions declined. The result—all missionaries, foreign and native—have, during the past four years, labored under the handicap of inadequate support.

Recalling that the early Church in the United States was one of the first beneficiaries of the Society for the Propagation of the Faith, that the alms on which the French and Spanish missionaries depended for the spread of the Gospel among our aborigines were European alms contributed to the tune of $7,000,000.00, and dispensed through this Society, Foreign Missions should have a strong appeal to the Catholics of this country. On the principle " return the favor," American Catholics should catch the mission spirit—even if to assist in bringing the Faith to others were not the best way of showing one's appreciation for having previously received it oneself.

Foreign Mission Territory in the States.

There is probably a greater percentage of paganism in the United States to-day than there has been at any time in its history. More than 70,000,000 of our total population are unattached to any religious organization. Millions who claim affiliation with the churches have never received the Sacrament of Baptism, and are, therefore, in Catholic eyes, pagans. There are some states in our country in which Catholics bear a smaller ratio to non-Catholics than Catholics in China bear to the total population; several more in which the relative proportion is smaller than in India; and many, in which the proportionate strength is far below that of Africa.

The uneveness of Catholic distribution over our forty-eight states is actually remarkable. From the proportion of one Catholic to one non-Catholic in Rhode Island, of two Catholics

to five non-Catholics in Massachusetts and Connecticut, of one Catholic to four non-Catholics in Illinois, of one Catholic to six non-Catholics in Ohio; of one Catholic to nine non-Catholics in Indiana, the ratio widens until we find less than one Catholic to one hundred non-Catholics throughout many of the southern and some of the western states, one Catholic to three hundred non-Catholics in Georgia, and one Catholic to three hundred and seventy non-Catholics in North Carolina.

The diocese of Brooklyn, confined within 1,000 square miles, has more than 1,000,000 Catholics, or 1,000 Catholics to the square mile. Within its 1,100 square mile area, the Providence diocese counts more than 800,000 Catholics. Neither the archdiocese of Boston, with an area of 2,500 square miles, nor the archdiocese of Chicago, with 3,600 square miles, is nearly as densely settled by Catholics as Brooklyn and Providence.

Contrast the Catholic strength in these dioceses with that of most episcopal jurisdictions of the west and south and you will better grasp what we mean when we say that the Catholic population of the United States is as unevenly distributed as the Catholic population of foreign mission lands. Baker City, for instance, counts 9,000 Catholics in an area of 68,000 square miles, or one Catholic to every 7½ square miles; Reno has 9,000 Catholics scattered over 111,000 square miles, or one Catholic to every 12½ square miles; Boise and Salt Lake City have one Catholic to every 4½ square miles; Cheyenne, one Catholic to every 4 square miles; Montana has one Catholic to every 2 square miles; the States of Tennessee and Mississippi have one Catholic to every 1½ square miles; Charleston has one Catholic to every 3 square miles; Raleigh has one Catholic to every 5½ square miles; Florida has one Catholic to each square mile.

But think of Alaska, which is territory under the American Board of Catholic Missions, having only 10,000 Catholics in an area of 586,000 square miles,—territory twelve times the size of the State of New York—or one Catholic to every 58 square miles.

The American Board of Catholic Missions.

With so much foreign mission territory of our own continent, closed to all assistance from the Society for Foreign

Missions, we are not at all surprised that, some twelve years ago, several mission-minded Bishops of the United States met and deliberated on a plan for systematic support of missions both at home and abroad by joint effort. They did devise a plan which, after being proposed to the hierarchical body assembled at annual meeting in Washington in the year 1923, was there formally adopted, and then presented to the Sacred Congregation de Propaganda Fide. It was submitted to Rome in a resolution which read as follows:

The Archbishops and Bishops of this country are urged to organize in their dioceses for the support of the Missions. Unless otherwise organized, the Ordinary may establish in every parish one sodality or society to include every adult parishioner as member or subscriber, each to contribute a dollar each year, and the children contributing five cents each month or fifty cents a year. All such members, as we are informed, will again gain all indulgences now granted to members of the Confraternity of the Propagation of the Faith.

In addition to the above, a Sunday of the year is to be set aside as Mission Sunday, on which a collection will be taken up to enable those who are not members to contribute nevertheless to the support of the missions and to enable the members to add to the ordinary annual fees for the support of the missions.

Of the total amount obtained *from all these sources,* sixty cents of every dollar obtained is to be sent to the S. Congregation de Propaganda Fide for the Foreign Missions, and the remaining forty cents is to be sent to the American Board of Catholic Missions for the Home Missions, after the expenses of the diocesan director's office have been paid.

Finally, it is hoped, from information received, that this latter plan in accordance with the Bishops' original ideas, will be approved and proposed by the Holy See for general use, but in the meantime each Bishop has the permission of the Holy See to introduce this plan into his diocese.

In a Pontifical Audience granted 7 November, 1924, the resolution was laid before His Holiness by His Eminence the Cardinal Prefect of the S. Congregation de Propaganda Fide, and His Holiness fully approved the motion of the Hierarchy of the United States.

Commenting on this endorsement by the Holy See of the plan of the American Bishops for the support of both Foreign

and Home Missions, the Most Rev. P. Fumasoni-Biondi, then Apostolic Delegate, wrote to the Bishops of the United States:

> Accordingly, all those who are enrolled in the sodalities or societies established in the various dioceses and parishes, and who contribute a dollar yearly to the Propagation of the Faith (the children half a dollar), will gain all the Indulgences granted to the members of the Pontifical Work of the Propagation of the Faith, provided they also fulfil the spiritual conditions.
>
> They, moreover, who contribute at least a dollar to the collection to be taken up on Mission Sunday will be considered as members of the Pontifical Work of the Propagation of the Faith and will gain the indulgences enumerated in the Summary published in the *Acta Apostolicae Sedis,* an. 1924, num. 6, provided they say once a day the Our Father and Hail Mary, with the invocation "St. Francis Xavier, pray for us".
>
> In closing, let me express my confidence that the gracious approval given to the proposal of the Hierarchy by Our Holy Father will serve as an incentive to even greater zeal in the United States for the Propagation of the Faith in both its branches—the Home and the Foreign Missions.

Although some countries in South America, notably Brazil, Columbia, Ecuador, Bolivia, draw from the funds of the Society for Foreign Missions; although help is accorded to northwest Canada and even to northwest Europe from the same source, no grants are made to the needy missions in the United States.

The Bureau of Catholic Indian Missions, the Bureau of American Colored Missions, and the Catholic Church Extension Society were expected to supply our home needs, but because their own regulations in relation to the distribution of funds prevented sufficient assistance for either the spread or preservation of the Faith in most of the dioceses in the south and west, the arrangement effected with the Holy See whereby American Catholics could have affiliation with a joint Society for the support of missions, both home and foreign, was sorely needed. The Bureau of Catholic Indian Missions, as its name implies, confines its interest to the Indian, and the Bureau of American Colored Missions limits its interest to the colored people. The Catholic Church Extension Society has been of invaluable aid to American Bishops placed over mission terri-

tory, especially by its support of many students for the priesthood, by the distribution of Mass intentions, by monthly subsidies to priests, by the erection of numerous small chapels and schools. But it has had to depend too much on haphazard receipts and designated gifts to warrant the promise of regular assistance for the extension of the Catholic cause.

The organization which provides a joint membership in the Society for both Home and Foreign Missions is officially known as *The Society for the Propagation of the Faith for Home and Foreign Missions.* The Diocesan Director, hitherto appointed to organize and collect for the Foreign Missions only, is now expected to take an equal interest in both the Home and Foreign Missions. The annual membership dues have been raised from 60c to $1.00, the Foreign Missions receiving the same amount as formerly. The parish priest, who formerly solicited memberships at 60c a year, now collects $1.00, and remits all money to the Diocesan Director, who, in turn, forwards sixty cents of each dollar to the National Director of the Society for the Propagation of the Faith for Foreign Missions, resident in New York, and forty cents of each dollar to the Treasurer of the American Board of Catholic Missions. The annual Mission Collection must be divided in the same ratio; so must also bequests to missions, when undesignated.

Heretofore, Perpetual Memberships in the Society for Foreign Missions cost $40.00. No division of that amount is permitted. But in some dioceses, $50.00, in other dioceses $60.00 is charged for Perpetual Memberships, the excess over $40.00 being assigned to the Home Missions.

There are also Special Memberships under the older Society, issued in favor of priests, for which a $6.00 annual fee is charged. No provision has been made for a division of this money between the two branches of the joint organization.

In addition to the membership dues, Pope Pius requires that an annual collection be arranged for the Missions generally, and he has designated the third Sunday of October as " Mission Sunday ". On this day, people who can well afford to give more than $1.00 a year to the Missions, and those who do not hold memberships in the Society, have an opportunity to make a helpful contribution. This collection, the same as membership dues, is divided in the ratio of sixty-forty, and remitted

respectively to the national offices mentioned above. But fifteen per cent of the sixty per cent portion of the Mission Sunday collection, forwarded to the National Director of Foreign Missions, is transferred by him to the National Director of the Near East Association.

The fund resulting from forty per cent of all annual memberships and of the annual church collection is divided once a year among Bishops to whom " Mission territory " in the several countries under the American flag is committed; therefore, not only among the Bishops, who rule over the diocese in the south and west and northwest of the United States, but among the Bishops and Prefects Apostolic of Porto Rico, Hawaii, Alaska, and the Philippine Islands.

During the four years of the depression many dioceses of the east and the middle west of the United States, regarded as outside of mission territory, have been in even greater need of assistance than dioceses of the west and south. This is because of the collapse of industry, on which the bulk of the Catholic population depends for employment and parishes for their maintenance.

A gift of $10,000.00, or even $5,000.00, goes a long way in Mission territory, because the sum total of interest obligations on many small churches is not large. On the other hand, a gift of an equal amount to a diocese in an industrial center would not go far; it would not meet, in many cases, the delinquent interest on a single parish plant or diocesan institution.

Since the American Board of Catholic Missions depended in the past on collections and on the Propagation of the Faith memberships gathered principally in the industrial centers, the allocations to the Mission dioceses during the past few years were necessarily smaller than in the years preceding the industrial depression.

Some eighty dioceses, all of them contributors to the General Fund of the American Board of Catholic Missions, began to see new light and their Bishops began to receive new courage because of the certain annual subsidy to which they could confidentially look with each recurring November.

The Society for the Propagation of the Faith is more richly indulgenced than any other society or organization—this as an inducement to stimulate general interest in the Mission move-

ment so close to the heart of the Supreme Pontiff, and so dear to Christ who would have His gospel preached "to every creature" in all nations.

Priests who interest themselves in collecting or gathering alms for the Society for the Propagation of the Faith in any parish, convent, community, college, or religious institution of any kind, are regarded as *zelatores*. When the pastor appoints one of his assistants to direct this work, both he and the assistant are regarded as *zelatores*. Such priests have enjoyed, since the year 1914:

1. The personal favor of the Privileged Altar four times a week.

2. The faculty to bless with a single sign of the Cross, outside Rome, and with the consent of the Ordinary at least reasonably presumed, crosses, crucifixes, rosaries, or other beads, holy medals and small statues of metal, and of applying to them the Apostolic Indulgences.

3. The faculty to bless everywhere with a single sign of the cross, rosary beads and to apply to them the Crosier Indulgences.

4. The faculty to bless beads (whether special or of the Rosary) and to apply to them the Brigittine Indulgences.

5. The faculty to bless, in places where there is no religious house of the Friars Minor, crucifixes with a single sign of the Cross and to apply to them the Indulgences of the Way of the Cross;

6. The faculty to bless everywhere the medal of Immaculate Conception, proper to the Congregation of the Mission, and to apply thereto the usual indulgences.

7. The faculty to bless with the annexed indulgences the medal of St. Benedict in places where there are no monasteries or houses of said Saint enjoying these privileges.

8. The faculty to bless and invest even with a single formula, the Scapular of the Holy Trinity, of Our Lady of Mount Carmel, of Our Lady of Dolors, and to enroll the faithful in these Confraternities under the usual conditions; the Scapular of the Passion of Our Lord, using

the red color, which is proper to the Congregation of the Missions; that of the Immaculate Virgin, using the blue color proper to the Theatine Fathers, provided that in the place where this faculty is to be used there are no houses respectively of the Trinitarians, Carmelites, Servites, and Theatines.

9. The faculty to enroll the faithful in the Confraternity of Cordigers, and to bless and impose the Cord of St. Francis in places where there are no religious houses of the Conventual Fathers.

10. The faculty to enroll the faithful in the Third Secular Order of St. Francis in places where there are no canonically erected houses of the said Order, and to bless the scapular and cincture.

11. The faculty to enroll the faithful in the Confraternity of the Angelic Warfare (*Militia Angelica*) in places where there is no religious house of Friars Preachers, and to bless and impose the cord and medal of St. Thomas Aquinas.

12. To those Priests Zelators who, with the permission of their Ordinary, give a series of conferences or sermons in the form of Spiritual Exercises, the faculty to give the Apostolic Blessing with plenary indulgence attached, on the last day of the conferences, to be gained by all who have been present at least at five conferences, on condition of confession, Communion, and prayers for the intention of the Sovereign Pontiff.

13. The faculty to recite Matins and Lauds of the following day immediately after mid-day, provided the Office of the day has already been said.

Some months ago the Holy See decided to continue these extraordinary faculties only on individual application, while the faculties were not withdrawn from priests who already enjoy them.

Not only have Bishops of the United States received nothing in latter years from the fund created in such large part by American Catholics for the support of the missions, but *Religious Orders and Communities* operating in foreign fields from the United States receive little or nothing from the fund.

It is for this reason that the Catholic Foreign Mission Society of America (Maryknoll), the Order of Passionists, of Dominicans, the Jesuits, the Congregation of the Holy Cross, the Society of the Divine Word, the St. Columban Fathers, the Marists, the Mariannhill Fathers, the Society of St. Peter Claver, must solicit their own funds, principally through magazines having a mission appeal. In a similar manner Religious Orders of men and women working among the Indians and Mexicans of the United States, not direct participants in the Home Mission funds, must themselves raise most of the money needed to sustain their own labors. Working among the Indians are the Franciscans, the Jesuits, the Benedictines, Capuchins, Order of Mary Immaculate, the Congregation of the Immaculate Heart of Mary, Carmelites, Society of the Divine Saviour, Priests of the Sacred Heart, the Premonstratensians. Laboring among the negroes are the Josephite Fathers, the Society of African Missions, the Congregation of the Holy Ghost, the Society of the Divine Word. Some of these are assisted, in large part, by Mother Katharine Drexel, to whose Religious Community, namely, the Sisters of the Blessed Sacrament, the Catholics of the United States are very deeply indebted.

It is easy to determine the amount contributed by Catholics of the United States to the organizations which gather funds systematically and issue an annual report, but there is no way of knowing the aggregate amount of money contributed to all mission agencies. The aggregate sum, large in itself, would not represent a large per capita contribution. For instance, the Society for the Propagation of the Faith for both Home and Foreign Missions collected last year in the United States an amount equal to about seven cents per capita of our Catholic population.

Large supplementary assistance is rendered to the Society for the Propagation of the Faith for Foreign Missions, as well as to the Indian and Negro Missions of the United States, by the Pontifical Association of the Holy Childhood, whose headquarters in the United States are in Pittsburgh. The aim of this Association is to interest children in the missions. It offers annual memberships to all youths under twenty-one at the small pittance of one cent per month, or twelve cents a year.

There is such intimate relationship between the Association of the Holy Childhood and the Society for the Propagation of the Faith, that after the age of twenty-one youths are expected to transfer their membership from the junior to the senior organization.

It may be said, in passing, that school children and all youths under twenty-one years of age might hold memberships in the Society for the Propagation of the Faith by the payment of one-half the adult fee or for fifty cents a year.

A Perpetual Membership in the Society for the Holy Childhood calls for a payment of $25.00, either in a lump sum or in installments.

The deceased may be enrolled as members both of the Association of the Holy Childhood and of the Society for the Propagation of the Faith, and share in the labors and prayers of workers in the mission fields, as well as in the annual Mass which all priests in foreign mission territory, to the number of 15,000, are expected to offer for benefactors.

The Association of the Holy Childhood rescues, baptizes and arranges for the rearing in the Catholic faith of thousands of pagan children every year. The payment of $5.00 entitles one to the credit of such rescue and he or she is permitted to provide the Christian name for the child.

✠ JOHN F. NOLL,
Bishop of Fort Wayne.

FRANCIS PATRICK KENRICK.

FRANCIS PATRICK KENRICK was born in Ireland, in the city of Dublin, 3 December, 1796. In a letter written in 1851 he says that he is nine years older than his brother, Peter Richard, Archbishop of St. Louis. In 1816 Francis Patrick was sent to Rome for higher studies. He was ordained priest in Rome, 7 April, 1821. In September of the same year he came to America, engaged by Bishop Flaget of Bardstown, Kentucky, to teach in the seminary there and to assist on the missions. In 1830, 6 June, he was consecrated in the Bardstown Cathedral, Bishop of Arath, Auxiliary (with full powers of administration) of Philadelphia. Bishop Conwell died in 1842, 22 April, when Bishop Kenrick suceeded to the office and the title, Bishop of Philadelphia. In 1851, 9 October, he received the papal bulls promoting him to the Metropolitan See of Baltimore. He died in Baltimore during the night of 6-7 July, 1862.

In the following brief study, Doctor Tourscher, though touching only the highlights of the Archbishop's career, succeeds in revealing the qualities of mind and heart of one who is the finest type and pattern of American churchmen.—EDITOR.

THE WORK OF FRANCIS PATRICK KENRICK was making history in the diocese of Philadelphia eighty, ninety, and one hundred years ago. This work had to do, of course, with local interests and religion mainly. But, though local and limited, a bishop's work in the care of souls and the administration of a diocese will have also a wider reach. It will be linked historically with the Apostolic work of the Universal Church. The records, moreover, and visible results of work done will be sources for the future biographer and the historian. There will be the facts of contemporary life, where we trace or believe that we can trace and find evidences of character and the personal qualities of the man.

There is no thought here of making a hero of the venerated prelate. The reputation of Francis Patrick Kenrick was a thing of life and experience in the esteem of his contemporaries. The only aim here is to study the man in the material records of what he did, to see some points of his work in the environments of the times. There is no thought of suggesting comparison or contrast between the subject of this study and other recognized leaders in the organizing of the Church in the

United States—Archbishop Hughes of New York, Bishop England of Charleston, or John Carroll, patriot, priest, prelate, the Patriarch of the Hierarchy in America.

The man of Faith of course will see each one of these doing his own work under Providence, the work for which he was fitted and called by nature and by grace. Comparisons are out of order. In God's plan personalities and places, though linked together as parts of one integral whole, are in every case distinct and different.

When Bishop Kenrick came to Philadelphia in 1830, appointed to be "Coadjutor" to Bishop Conwell and Administrator of the diocese, conditions were hardly promising. In the City the people of the four congregations [1]—St. Mary's, St. Joseph's, Holy Trinity and St. Augustine's—had been witnesses of the "Hogan Revolt", extending over more than ten years. During five years they had seen the Cathedral, St. Mary's, closed against the Bishop and held by rebellious priests who were employed successively to uphold the "rights" claimed by the Trustees. Before this, at the close of the century, the people had seen a similar rebellion at Holy Trinity—1796 to 1802—where the Trustees had rejected pastors appointed by Bishop Carroll and employed the priests Goetz and Elling to do their bidding. The aged Bishop himself, Conwell, was under a cloud. Instead of being a help, his conduct too often turned out to the embarrassment of the new "Auxiliary". The calm judgment of earlier years is no longer evident in what he wrote and did during these last fifteen years of his life.

The sources of information for the time of Bishop Kenrick's administration in Philadelphia and his work as Metropolitan in Baltimore are, first, The *Diary* and *Visitation Records*, his own *Memoranda* running from 25 February, 1830, to 9 March, 1852; secondly, his *Letters* written to his brother, Peter Richard, Archbishop of St. Louis, during the years 1841 to 1861.

The Control of Trustee Troubles.

The first problem which the new Administrator had to solve when he came to Philadelphia was one of long standing. It

[1] Normally there should have been three congregations only. The Bishop, Conwell, was forced to reopen St. Joseph's when St. Mary's was in the hands of schismatics in 1821.

was to limit the powers claimed by the Trustees at St. Mary's, to tell them and to tell the people where the line is drawn between the jurisdiction of the bishop over priests and people and the powers claimed by interested interpretations of "charter rights" and the statute laws of the State.[2]

After the first visitation of the diocese, which extended from the scattered missions of South Jersey and St. Peter's in Wilmington, Delaware, to Pittsburgh and Greensburg, including various towns and settlements in the central and southern counties of Pennsylvania, the Bishop returned to Philadelphia early in November, 1830.

The Trustees at St. Mary's had as yet done nothing to show their hand. The sequel will show, I think, that they were awaiting developments to discover what they were to expect from this new "hired man", with whom they had no contract. There was no "bargain" to determine what his work was to be at St. Mary's or what was to be his "pay".

The Bishop made the first move quite properly: "I wrote to the Trustees of St. Mary's church," he notes in his *Diary* under date of 27 December, 1830, "stating that it is my purpose to take upon myself the office of first pastor of that congregation." Four days later, 1 January, 1831, the Bishop says:

> I announced from the pulpit of St. Mary's that I would henceforth take charge as first pastor of the church. When various rumors were going abroad, spread by the activity of the Trustees, I determined to give my reasons for thus taking the actual pastoral charge of that church. . . .

[2] The principles involved will be found clearly stated in a letter of Fr. John Rosseter, O.S.A., to Bishop Carroll, dated 1 October, 1804: "It is not for a point of interest we have contended, but for principles. I was told that there is not an incorporated congregation in the United States in which the priests are not upon a salary. New York and Baltimore were adduced as instances. I replied: It may be so, for what I know. But this proves only the extent of the evil, the obligation of checking it. The use of the Corporations is to preserve the little temporalities of the churches, but not to enslave or bring the incumbent clergy of these churches, under the control of the Trustees and paymasters. We will never submit to this, nor permit our agency to be abused to destroy or to lessen that independence of laymen which the Church maintained in the midst of persecutions. I think badly of salaries and worse still of contracts between the priests and the people. If there be contracts, they certainly ought to be between the bishop and the people. Rather than hire myself, I would give up all and take my chances to live under Providence, upon the free offerings of the people." See text of this letter in *Records, American Catholic Historical Society*, September, 1933; pp. 248 *et seq.*

On the ninth of January, from the pulpit of the same church I declared my intention to vindicate the rights of this as the Cathedral Church; for as such it had been recognized from the earliest times of Philadelphia as a distinct diocese.

In the meantime the Trustees had countered the Bishop's first move by sending a committee of three of their members to say that they, the Trustees, "were very much displeased", by the letter of 27 December. On 12 January the Trustees called a meeting "of those who hold seatings in the church", (by what authority does not appear). This meeting was held in St. Mary's school house. Bishop Kenrick was present. He probably had received notice from the Secretary of the Board.

The *Diary* records only the action of the board and the proceedings of the meeting, without a note of comment on what we see now as amazing stupidity on the part of the Trustees. This will be found, I believe, to be the fixed logic in all that Bishop Kenrick has left to the American Church in writing. True to the principle laid down in St. Augustine's Rule, he holds up to view the points of fact and of law in which the Board has offended, determined to correct what is wrong, with pity and love for the offenders.[3]

A "resolution" was proposed,

requiring the Trustees to fix a certain honorarium for the temporal support of myself as Bishop and therefore chief pastor of St. Mary's church. . . . But I was unwilling to have such an order passed (over the heads of the Trustees); and I suggested that we leave the whole problem to the Trustees to let them solve it; stating at the time that I thought they would act from a sincere conscience and not ungenerously, since they understood now that it is the will of the faithful of this congregation.

It appeared in this meeting that the wrong ideas which had prevailed about the rights of a congregation to engage and approve its pastor were corrected or repudiated. It seemed also that the wiles of the Trustees had defeated their own purpose. But the event proved otherwise.

After this meeting, for about three months the Trustees apparently did nothing to prove their "rights". When the

[3] "Et hoc . . . etiam in coeteris inveniendis, prohibendis, indicandis, convincendis vindicandisque peccatis diligenter et fideliter observetur cum dilectione hominum et odio vitiorum."—*Regula*, cap. VII, n. 5.

time came to elect and organize a new Board, the first Tuesday after Easter, the Bishop says that, " the members of the previous year were all reelected ". " When I was informed " (on the Sunday preceding the election) " that a friend of mine was distributing cards in the seats of the church, asking that a new Board of Trustees be chosen, I made the announcement from the altar that I had no part in such a design: moreover, that I wished in no way to interfere or to influence the election."

There is something almost pathetic in the actions of the Trustees at this time, apart from the undoubted element of something like pig-headed stupidity. It was just less than five years since St. Mary's had been reopened after a previous five years' compaign of blundering, wrangling and schism. Yet they persist in claiming a " right " which never existed, a right to make themselves the paymasters, in this particular case, of the Bishop-Administrator of the diocese, the first pastor and the clergy of St. Mary's.

Three days after the election, " April the eighth day, the Board of Trustees called a meeting without consulting me ". The only remark recorded by the Bishop is: " Curavimus Babylonem et non est sanata: Delinquamus eam " (Jeremiah 51 : 9). The following day, 9 April, after Mass celebrated in St. Mary's, the Bishop says: " I announced that henceforth, so long as the Trustees persevered in opposing my authority, I would exercise the offices of religion in the church of St. Joseph."

The Trustees evidently were taking alarm. They decided to begin to function as " paymasters ". One of their number came, 12 April, saying that, " acting in the capacity of treasurer, by order of the Board, he wished to pay (the Bishop) one hundred and fifty dollars in silver ". The Bishop records this first personal transaction with the Board on the question of " salary " in one double sentence of twelve words: " I can't take the money: You are no board without me."

The same day, 12 April, the Bishop issued a " circular letter addressed to all the faithful who hold seatings in St. Mary's church ". In this letter the Bishop says: " I gave notice to the people that, if the exercise of episcopal authority cannot be assured permanently of freedom from the wrong interference of trustees, it is my purpose in accordance with the Pro-

vincial Council [of Baltimore, 1829] [4] to interdict divine service in the church [St. Mary's] ".

The " Interdict " went into effect 18 April, 1831. St. Mary's remained closed until the twenty-first of May. " On this day ", the Bishop says, " I revoked the order of Interdict," and published a pastoral letter, in which I explained the reasons for my action; declaring however, that, if the temporal support of the priests in charge should be withheld, I would without delay execute the decree of the Provincial Council on *Church Interdict.*"

In the meantime the Trustees had communicated with the Bishop by letter. " They acknowledged that they have no right to interfere in appointing pastors or rejecting them or removing them." They did persist in claiming a " right to fix the amount of salary to be paid to the priests, and a right to withhold payment in case the Bishop were to abuse his power in appointing pastors."

We can afford (as the Bishop did) to pass over the ineptness of this last clause. Who was to be judge of the right or the wrong exercise of the Bishop's " power in appointing pastors? " Logically the clause is excluded in the acknowledgment of the Bishop's right. The Bishop is in no point compromising principle when he says: " I replied that I was pleased to see their declaration, pleased to note that they now disclaimed a right which had to the present time been wrongfully usurped by the lay trustees. As to the question of fixing the amount of salaries I explained that such determinations can not belong to the lay trustees alone, but rather to the entire Board, three of whose members are pastors of the Church " [St. Mary's].

The Trustees were defeated in their own game, though they never admitted defeat. This " hired man " had proved himself a master. The boasted prerogatives of former years had been turned into the functions of a " rubber stamp ". It was done without the exhilarating publicity of older campaigns.

[4] " Vel si congregatio illa, seu Aedituorum coetus molestiam inferat in suo munere obeundo alicui sacerdoti sacrum munus exercenti cum praesulis approbatione, aut subducat vel retineat consuetum subsidium ad illius sustentationem: praesules urgemus omnino ut tum demum interdicant ipsorum ecclesiam quoadusque tanto malo remedium afferatur cum coetera remedia omnia inutilia apparent."—Concilium Baltimorensi I, Decret. VIII.

The Bishop was sustained by the people of St. Mary's. He had shown them that the canons of faith and discipline of old mother Church were after all right.

The statutes of the State and the charter were good in their place and well enough for separate congregations of the post-Reformation type. For them the control of temporalities was generally their all. For the Catholic Church this is secondary. Her work, even in the smallest founded mission, is to build the living temple of faith and Christian life. Henceforth the management of temporalities for which the Trustees were chartered, will stand on its own feet, marked off from the real work of the Church. Some few murmurings will be found recorded in the Minute Book, but they have not the proportions of a revolt. After the Bishop removed to St. John's in 1838 the Trustees were left severely to practise "Charter rights" on their own side of the line. But the practice was harmless.

The Visitations of the Diocese.

The *Diary* of Bishop Kenrick, which includes the records of nineteen visitations of the diocese, 1830 to 1851, is probably one of the most complete contemporary collections of connected facts that we have anywhere in the history of the Church in the United States. Our study has to do not with the contents of the *Diary,* but the personality, the character of the man whose work it records. It will be remembered also that during the first twelve years, that is, until 1842, when Pittsburgh was cut off, the diocese of Philadelphia covered territory that is now occupied by seven episcopal sees—Pittsburgh, Erie, Harrisburg, Scranton, Altoona, Trenton, and Wilmington.[5]

The record of physical hardships and endurance in these missionary expeditions through the state and the diocese in the thirties and the forties of the last century is itself a fascinating story. The roads in the interior of the state were usually little more than trails through the forests and over the mountains for heavy wagons and coaches built to carry the mail and passengers. Canal barges for the transportation of coal and merchandise drawn by mules, slow but perhaps restful after the rough roads, were not infrequently a means of passage

[5] The counties of the Eastern Shore, Maryland, and Virginia then were under the jurisdiction of Baltimore.

between the widely scattered mission stations and Catholic settlements. The physical labor however of these long journeys is secondary. It is the spirit of the pastor of souls that claims first attention.

It appears to have been the Bishop's plan to visit the stations and missions at least once every two years. This was done by following different routes, one through the older Catholic settlements in the counties of the south and east, then following the Cumberland Road to Greensburg, Brownsville and Washington. The other northern route was varied; but usually the Bishop reached the scattered settlements of the northeast and the center of the state every second year. Both routes terminated generally, in their western limit, at Pittsburgh, Butler or Erie.

The experiences of the Bishop in these expeditions through Pennsylvania will be fairly exemplified in two short quotations from the record of 1834.

3 May: I set out from the town of Freeport for the church which is near Buffalo Creek in Sugar Creek Township, and reached there in the evening.

The next day I went to visit the sick and those broken down by years.[6] For five days following I heard confessions in the church of St. Patrick (Buffalo Creek). More than two hundred and fifty approached Holy Communion, and nearly ninety were signed with the Holy Chrism on Sunday, which was the feast of Pentecost.

Again on the twenty-sixth of the same month the Bishop notes the fact that he spent the night traveling by stage, and reached Meadville at seven o'clock in the morning.

No Catholic was known to us living in this town. And, though we offered to pay, no one would take us in a heavy wagon to the Catholics who lived sixteen miles away, near Cussewago Creek. Therefore we started out on foot. When we had walked two miles we met Edward Tinny and — Sweeney, who brought horses for us to ride."[7]

[6] "Aegrotos et senectute fractos visitavi." The original is Latin.

[7] "Nemo fuit qui, pretio oblato, nos plaustro veheret ad Catholicos." The verb is plural. It appears that Father Masquelet was the Bishop's companion at this time.

There was enough of physical exercise in these visitations to keep the frame of a strong man fit. The spiritual consolation which the Sacraments and the presence of the Bishop brought to the pioneer settlers was compensation for the hours of weariness and fatigue. There was no time nor room for ennui during these visitations of the diocese.

When the Bishop returned to the City there was a change of scene and of work. Keeping the Trustees at St. Mary's in their proper place was an "indoor occupation" which occasioned little trouble after 1831. M. Marc Antoine Frenaye, the Bishop's trusted fiscal agent, personally negotiated the purchase of the property for the new seminary at Race and Eighteenth Streets, also the site for the new Cathedral in 1845-46. Financial affairs were in good hands.

The Seminary.

One of the problems that had to be faced and solved after the building-up of the spiritual life of the people was to train men for the work and the life of the priesthood. A beginning was made in 1832 and the seminary grew steadily.

The question of text books for the seminary was a practical difficulty. It is, I believe, not derogatory to the men of the time to acknowledge the fact that text books used in the seminaries of France and Italy and Austria and Germany during the first half or three-quarters of the nineteenth century needed revision and corrections. There were cases also, not of fundamental ethics, but of applied morals, peculiar to the new environments of the people during the period of organization of the Church in the United States.

Evidently there was a call for correct standards in Dogmatic and Moral Theology and in the texts of Canon Law. The Bishop must have experienced this in his work of teaching in Kentucky and in Philadelphia. A way was found and means, unobtrusive and effective, which in him were habits of life, to supply this need. The printing of the first edition of the two volumes of Moral Theology was begun by Cummiskey, in Philadelphia, in 1841.[8] In a letter written to his brother, the

[8] The first volume only was published in 1841. Writing in September, 1842, the Bishop says: "The second volume of Ethics (Moral Theology) is now to be prepared, as the young men (seminarians) have finished the first (in studies). I can not therefore publish the treatise on Baptism until the other work (the second volume of Moral Theology) is through the press."

Archbishop of St. Louis, in 1843, 15 September, he says: "My work in the tracts of Theology appears to be finished at last, a work that has cost me much labor and heavy expenditures (of money). It is your turn now to deserve the palm in explaining the Sacred Scriptures."[9]

In his correspondence with his brother one hundred and eighty-three letters, which by the way were always written in Latin, during approximately twenty years (1841-1861), the Bishop returns several times to the subject of theological text books. The work had been one of long and persevering labor, and when its merit was recognized, it was an acknowledgment that his judgment in undertaking the labor was right. He tells his brother this plainly, but with no evidence of boasting.

In a letter written in December, 1843, the Bishop says that the Archbishop of Baltimore has not yet issued a letter of commendation to adopt the text books for use in the seminary (St. Mary's),

and they at the Mountain [Emmitsburg] are hesitating, lest they appear to hurt the majesty of the City by introducing the work of a stranger. However, many copies have been sold in the seminary; and the books are kept for sale by the Rev. F. L'Homme, an indication that they are not averse to using them. . . A priest came from Quebec who bought two copies of the whole work [Dogma and Moral]. [In another letter he tells his brother that the Bishop of New York (Hughes)] recently bought fifteen copies of [my] Theology. Perhaps I have written you this before. He is going to use them in the seminary hereafter. The Pope said in the presence of Mr. William O'Hara,[10] who heard him, that he had gone through the first volume with a great deal of pleasure; and Bishop Brunelli spoke in praise of it, saying that it is very well fitted for use in this country.

Why, then, do you find fault; or, less severely, why do you look for defects in the fact that I have not used some unclassical terms, and avoided a style that is not pleasing in our age? My aim has been to teach what is right in language that is correct. Moreover,

[9] The allusion to Sacred Scriptures apparently expresses a desideratum only. The Archbishop of St. Louis had finished his work on *Anglican Ordinations* in 1841. The second edition of this work, with considerable additions, was published in Philadelphia by Cummiskey in 1848. The treatise *De Ordinationibus Anglicanis* in the *Cursus Completus*, Migne, vol. 25, pp. 59 *et seq.*, is by Francis Patrick; but distinct and different from the Study of Peter Richard.

[10] Later the first Bishop of Scranton.

Bishop Wiseman is going to pass judgment on my little work in the periodical which is wrongly called *The Dublin Review*.[11] If he agrees with you I shall have to submit to your censure.

The above is, I think, one of the very few, if not the only approach to a playful challenge to his brother to consider or to weigh again some flaws in expression and style which evidently had been singled out and marked as defects. The Bishop does not pretend to deny these minor faults; but he suggests a more judicious consideration for the integral whole of a big work which has passed the test favorably of men who know merit in the principles and the laws that guide human morals, who know the mind of the Church in the history and the statement of Catholic dogma.

The later editions and sales of the theological works in Europe are fair evidences of their worth. In 1859 the Bishop writes to his brother:

We are expecting soon some copies of the [Dogmatic] Theology, which were consigned on ship at Antwerp a month ago. Murphy [of Baltimore] has taken 250 copies from the publisher [Dessain] in Mechlin. This was one of the conditions on which the Mechlin firm took the risk of publishing the work. They are now working on the distribution of the publication in France, England and other countries.

Writing again less than a month after the letter just quoted the Bishop says that the last volume of the *Dogmatica* has not come with the rest, though, judging from the publisher's letter, he believes that it is ready. "Dessain" he says, "asks me to prepare a new edition of the Moral for his press.[12] I expect to do this. Therefore if you have in mind any point that needs correcting [or change] tell me of it as soon as you can."

[11] "*Opusculo Eblanensi perperam nuncupato.*" Evidently this refers to the fact that the *Dublin Review* was never published in Dublin, but in London, from its begininng in May, 1836.

[12] "Me invitat Dessain ut Ethicen novis curis edam e suo prelo." The present writer regrets that he has been unable to complete a satisfactory list of the editions of Kenrick's Theologies. This edition of 1859 had the new text on the Dogma of the Immaculate Conception defined in 1854. Kenrick was present in Rome for the Definition. See letters, CCXXII–CCXXIII.

CONTROVERSIES.

The three books which treat of Catholic doctrine—*On Baptism, On the Primacy of the Apostolic See,* and *A Vindication of the Catholic Church*—written between 1843 and 1855, are usually classed as controversial. The term, I think is misleading. The three little works mark episodes rather than a part of the planned work of his life. They were called forth, not by a love of controversy, but by the stupidity of a militant sectarianism, which was strong in numbers, but hardly equipped to meet the man of peace who was sure of his ground in the meaning of the Faith and sure of his facts in history.

Of the little treatise *On Baptism* he says in the Preface: "Some years ago when I was a missionary in Kentucky an invitation or challenge given me by a Baptist minister to preach in his meetinghouse on the subject of Baptism, which I declined, induced me to deliver in the Cathedral of Bardstown four sermons on Baptism, which I subsequently published. I have been frequently urged to reprint them." His position in 1843, "in a city where the Society of Friends is numerous," he says, led him "to decide to print again the Bardstown instructions with added chapters on other phases of error." This little work is dedicated to his venerated friend, Benedict Joseph Flaget, Bishop of Louisville.

In the Introduction to the work on the *Primacy* the Bishop tells how in 1837 he was forced first to make a reply to a work addressed to "the Roman Catholic Hierarchy" by John Henry Hopkins, Protestant Episcopal Bishop of Vermont. The answer took the form of a series of Letters *On the Primacy of the Apostolic See and the Authority of General Councils.* "I have never been honored with a reply."

The Bishop then describes some points in the methods of Bishop Hopkins which are clearly high-handed and unethical. "A course of Lectures on the Reformation," intended for the entertainment of the sectarians in Philadelphia, was published with no reference to the series of *Letters* which had answered the *Address to the Roman Catholic Hierarchy.* The Bishop of Vermont moreover insinuated that the *Letters* of his opponent had been "suppressed". The edition was exhausted. The logic of Bishop Kenrick's position was clear. He decided to "throw the material of the *Letters* into a new mould, leaving

Doctor Hopkins entirely out of sight," and adding much new material on the history of the faith and of civilization in Europe during the Middle Ages.

This was the first edition of the *Primacy* published in Philadelphia in 1845, of which the Bishop says: "This work was put to press long before the melancholy outbreaks of May and July of last year [the Riots of 1844]. As it has no reference to them, I have not hesitated to lay it before the public now that tranquility seems permanently restored." A third edition of the *Primacy* was published by Dunigan in New York in 1848, followed by at least three later editions in Baltimore and a translation in German by Father Nicholas Steinbacher, S.J., in 1853. The *Primacy* remains to-day a classic on the relations of Church and State in Europe. Bishop Hopkins' *Lectures on The Reformation* have disappeared. At best they would have value as curios of times that have passed.

Seventeen years later, in 1855, the Bishop, now Archbishop of Baltimore, was again forced to accept the challenge of Bishop Hopkins in *A Vindication of the Catholic Church:* A Series of Letters Addressed to the Right Rev. John Henry Hopkins, Protestant Episcopal Bishop of Vermont." In this little book the previous peculiar twists of Bishop Hopkins's conduct are summarized. The *Letters,* twenty-three in number, are personal talks face to face, with no expression of irony or hard feeling. He declares in the first *Letter:* "Saint Augustine is my guide. . . . When I am under the necessity of answering others verbally or in writing, even should I have been provoked by insulting charges, I endeavor, so far as the Lord gives me grace, to restrain and repress my feelings of indignation, that I may edify the hearers or readers. . . . I seek not to prove superior to my adversary in railing but profitable to others by exposing error." [13]

Bible Translations and Notes.

The work of Bishop Kenrick in translating the Bible and enriching his translations by notes that are simple, clear and correct, is of sufficient importance and worth to merit a distinct

[13] "Ego quando cuique vel dicendo vel scribendo respondeo, etiam contumeliosis criminationibus lacessitus, quantum mihi Dominus donat, frenatis atque contritis vanae indignationis aculeis, auditori lectorive consulens, non ago ut efficiar homini convinciando superior, sed errorem convinciando salubrior."

and separate study. This work was begun in Philadelphia in popular explanations of the Psalms for Sunday Vespers, printed in *The Catholic Herald* in 1846. The translations and notes were continued steadily, a labor of more than twelve years. A second edition of the New Testament in one volume was printed and published before the Archbishop died in 1862.

The question is asked sometimes: Was there any countering of purpose between the work of our American prelate and the plan of the Bishops of England for a new or revised version of the Bible? From the letters of the two men chiefly concerned, Newman and Kenrick, the answer is distinctly, No. Kenrick's work was well on the way before the Second Synod of Oscott (1855) was held, in which the plan for a new English revision was proposed. Newman was invited to direct the work of revision, and began to make his choice for the work of translating only late in the year 1857. In the meantime nothing was done in England to start the plan in working order.[14] The plan of the English Bishops as developed by Newman was to put out a Catholic English version that would be a standard, idiomatic, correct, in accuracy of thought and expression to rank ahead of the King James version of 1611. Kenrick's plan was to supply a need when family Bibles were in common use, to bring to a more modern and accurate form terms and phrases that were antiquated or obsolete, to supplement and simplify some notes of explanation of the older English versions.

In 1860, when Newman saw that the English plan was doomed from lack of proper coöperation, he wrote to the Archbishop of Baltimore: " I beg to congratulate you on the progress you are making toward the completion of your work, which will be not one of the least of the benefits which the good Providence of God will have given Catholics through Your Grace. I earnestly trust and pray you may have health and opportunity to bring it to a termination." [15] In a letter to his brother, dated 30 November, 1858, Kenrick says: " Nothing has been reported to me as yet on counsel taken with John Henry Newman and the English Bishops. I surmise, however, that they would

[14] W. G. Ward was chosen by Newman to translate the Psalms, perhaps the most difficult of all. Other men invited by Newman to help in the new undertaking were Doctor Daniel Rock, M. A. Tierney, Doctor Newsham, and Canon Waterworth.

[15] Wilfrid Ward's *Life of Newman*, vol. I, p. 247.

hardly be willing to enter into a design, and share with me in my work and plan. In fact, that excellent man [Newman], through Forbes, has stated that with my consent he wishes to use my version as a basis. It is only, I believe, on some arrangement like this that we can work in harmony. But, if I put off the publishing of what I have now prepared in manuscript, I fear that death may take me while I am waiting."

Like the work on the Bible, the influence of Bishop Kenrick upon the legislation and the Acts of the Councils of Baltimore as traced in his correspondence with the Archbishop of St. Louis, deserves a separate study. His solicitude for the welfare of the Church extends over the new sees and the old, from California to Maine. After 1851, as Archbishop of Baltimore, of course his position would suggest some supervision; but we note no change in his expressions of care. Even in the 'thirties, as Auxiliary in Philadelphia, the plans laid and the lines drawn for the government of the churches read like Briefs of the Provisiones of Gregory I or Gregory VII, rather than letters from the much troubled see of Philadelphia.

Directing Affairs.

Thus in 1848, after California had been ceded by the government of Mexico, when the temporalities of the missions and the care of souls were in peril, he writes to his brother: "A Vicar Apostolic should be named without delay, who will look after the spiritual care of souls and provide against the loss of temporalities. If you can find one who knows both languages [Spanish and English] you can, with the advice of the Archbishop of Baltimore, easily get this authority from the Roman See." He writes to the Archbishop of Baltimore on the same subject, advising immediate action. They should not wait, he says, for the assembling of the Council in Baltimore in 1849. The Council can consider and take action on what has been done by the two Metropolitans.

Again in 1851, after the death of Archbishop Eccleston he tells his brother what, by his advice, was done on occasion of the Archbishop's burial, when he said the Mass as senior of the suffragans. In the meeting of the Bishops, he says: "The choice of those who were present, that is [the Bishop] of Pittsburgh and Richmond and myself, agreed upon the Bishop of

Buffalo [John Timon], whom we hope to see transferred here [to Baltimore] by the Holy See. We wish to have you send your choice to the Sacred Congregation as soon as possible." In another letter, written four weeks later from Philadelphia, he repeats the request: "The question [of naming a successor to the Archbishop] is urgent on account of the coming National Council" [1852]. "The Bishop of Charleston," he says, "objects to John Timon, and says that I should have been named." He, Kenrick, still repeats his first choice, the Bishop of Buffalo, and says that the same had been his counsel to the Holy See, when some years previously the Prefect of Propaganda had written to him asking that he advise the Archbishop of Baltimore to choose a "Coadjutor".

There is no reason, I believe, for questioning the honest sincerity of this choice of John Timon to succeed Archbishop Eccleston in Baltimore. I admit that the Bishop must have known that the choice of Rome logically would have preferred himself for the Metropolitan See. He had found by experience, I believe, that the interests of the Church could be served quite as well and effectively by an impartial observer and adviser from Philadelphia as by an official burdened with care and administration of the metropolitan see.

The welfare of the Church was his first aim. Self was secondary. This, I believe, will be found characteristic of the man—a gift of heart and mind by which he saw and examined things in their objective values first. He has the consistent habit of stating facts and principle plainly. With a manful, masterful gentleness he tells where he stands on a given problem. He advises what can be done, what ought to be done. Unfavorable criticisms do not offend him. The other side must prove its case. When what is true and right has been tried and proved, there will be no room for compromise, no place for half measures, particularly where the problem is one of the welfare of the Church or the interest of souls.

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THE LEGION OF DECENCY A PERMANENT CAMPAIGN.

THE CAMPAIGN FOR DECENCY as a quality in the talking pictures has had, so far, a surprising success. Self-respecting people, from every walk of life and of every shade of religious belief, have found healing in it for the dread and fear of what would come upon the nation, if the conditions found in the theatres were permitted to go on without protest, or if the corruption, progressive through the last decade, were not somehow arrested.

Just as there is a veiled insult to the country in the assumption that the taste of its people will find trashy pictures artistically satisfying, so there is a challenge to its decency and its moral standards in taking it for granted that vulgarity and lubricity will pay dividends. Even if the picture magnates were right, if progressive trash and indecency do bring satisfying box-office returns, some agency should get in the way of a program whose logical issue is a hideous barbarism in the place of a civilized state. A slow degradation of taste, a falling away in a moral code, may be imperceptible between one theatrical season and its successor, but over a period of a generation or two it may easily mean the difference between a civilized man and a pulpy, dressed-up savage. So men and women of good will, and of healthy instincts, have rallied to support the Legion of Decency everywhere in the United States. They make war with the only weapon available—they keep away from the talking pictures that have the note of vulgarity and indecency. If that proves ineffective, they may easily be provoked into staying away from the cinema theatres altogether.

At the moment it seems that the producers have been persuaded to expunge from their pictures all objectionable matter, and that they have set about it sincerely and vigorously. But where these men are concerned one can never be certain. There are instances in which, in the past, they went far on the way to reform and turned back to the flesh-pots when the indignation of their critics was appeased and the organizations that opposed vulgar pictures had disintegrated. The smooth assurances of contrition and of a better life had better be set to one side, while we wait for more tangible evidences of a change of heart. There must be a permanent and a disciplined

group to keep watch on the talking pictures and to act summarily when breaches of decency occur.

The response of bishops and priests all over the country in this campaign is most heartening. There is scarcely a diocese or even a parish in this country in which action has not been taken or will not be taken, when the theatrical season opens, to carry on the campaign inaugurated by the Committee of Bishops. The success of the campaign lies with them, and with their persistence in the face of discouragements on the one hand, and of apparent success on the other. This is to be remembered, even if this campaign is successful, that there must be a permanent group in every diocese which will keep watch and ward and around which at any time the theatre-going public can rally in a new and needed effort.

There is more than a little danger that priests may think the campaign so effective at this moment that they need expend no more energy on it in their parishes. That would be fatal. It would be playing directly into the hands of people who know how to set about house-cleaning with a great flourish when the sanitary inspector is at the door, but when he has turned the corner on his rounds, count on his not returning for another quarter. There have been just as impressive gestures made by the producers of talking pictures in the past, that remained mere gestures, without any substantial correction in the product of the studios. They must be made aware that the whole country is organized, and permanently organized, and that the day of this evil and sinful form of recreation is definitely ended so far as Catholics are concerned. I emphasize and restate this warning against over-confidence and the need for permanence in the organization, because I believe that in it lies the whole difference between success and failure in the campaign.

After all, we Catholics have not often found action, on a country-wide scale, against public immorality necessary for the moral welfare of our people. It would be tragic if, when we did move, we should be frustrated by the carelessness and over-confidence of our own priests. The organizing of our people must go on until clean talking pictures are an accomplished fact. They are not at this moment, due largely, be it said, to inherent difficulties in changing over from the old order of things. But no one of us is certain, or will be certain, of the issue until we

see the promised reforms made manifest. Even then we must be prepared to mobilize on short notice, if provocations to sin invade the theatres again. There has been a suspicious failure, on the part of the Producers' Association itself, to give any immediate official assurance to the Committee of Bishops upon the matters involved in the campaign. What has been effected is the result of *conversations* between the Bishops and representatives of the Producers' Association. The campaign is not over by any means. There is a fair chance that it is only beginning.

There is some hesitation about creating a Board of Censors who would speak for the Catholic group and classify the pictures. The Bishops' Committee is warranted, by assurances that have been given them, in believing that, when the plans of the Producers are working satisfactorily, there will be no indecent pictures. In the interval, unofficial classifications have been made for Catholic theatre-goers that are working satisfactorily. If lists sometimes contradict each other, that is no more than is to be expected. Sensible people will avoid a picture that is classified as indecent on any list. Even when no list condemns it, they will walk out on a picture which their own individual consciences condemn. The creation of a Catholic Board of Censors is at this moment impracticable, no matter how desirable it may be. The Censors of the Producers' Association were themselves doing satisfactory work in their criticisms of the pictures. The offences came of the fact that the Producers at Hollywood paid little or no attention to their criticisms. Before we attempt to duplicate their work, it may be well to wait until we discover whether censorship at Hollywood will not be more effective in the future than it has been in the past. We are all very hopeful that it will be.

There are men and women at Hollywood who have never in their careers appeared as characters in an indecent performance. One is hopeful that there will be many more. Why the decent people of the stage have stood idly by, while their profession was being degraded to a degree unexampled in the history of the theatre, is hard to understand. Women and men, whose talent for acting is never apparent in their work, have been engaged by the Producers, and exploited by the Press, solely because of unsavory episodes in their lives, or of their willingness to say and do things in the pictures that no one with

decent instincts can condone. Their example has made vicious speech and vicious conduct seem smart and good and desirable to young people everywhere in the country. Their manner, their dress, the indecency of their speech, are imitated by little children, as well as by young people who should know better, and whose standards of right and wrong in these matters derive from other sources than Hollywood. Such a widespread degradation of taste as well as of morals has not been seen in modern times, and it will be well for all of us if the corruption has not struck so deep as to have wounded us vitally. By what possible warrant these people call themselves "artists" or "actors" and "actresses" passes all imagining. The real artists of the stage, actors and actresses of unimpeachable talent and unchallenged decency, should have something to say about it all, before the stage passes to a condition which will shame their profession, and themselves as members of it.

Primarily, to be sure, the Bishops' Committee is not interested in æsthetics. The improvement in acting, the improvement in taste on the part of the theatre-going public, are matters about which at this moment they are not concerned. If bad taste were to be a test as well as bad morals, the number of talking pictures that would fail would be enormously increased. The tawdry, over-sentimentalized, melodramatic trash that makes the bulk of the product of the Hollywood studios each year has never been adequately characterized. When a movement begins that will condemn trash as well as immorality, the Producers will have a really bad time. No, the Bishops' attack is on the point of morals. By any code of morals, from the code of the Bushman in Australia to the code of the most sophisticated modern pagan, these pictures stand condemned. It is because they are sinful in themselves and provoke to sin, because they offend the law of God, chiefly in the matter of sex, and tempt others to offend it, because they are in conflict with the traditional code of Christian morals as taught by the Catholic Church, that the Bishops have taken action.

I hope it is not too much to ask Catholics everywhere to add their prayers to whatever other efforts they make to put an end to this source of sin, and to ask our brother priests, all over the country, to remember the campaign in the Holy Sacrifice of the Mass.

✠ HUGH C. BOYLE,
Bishop of Pittsburgh.

TERRA COGNITA IN THE INDULGENCE DOCTRINE.

I.

THE definite voice of the Church and several centuries of attendant reflexion have set the great features of the Indulgence doctrine high above the reach of question or the clouds of obscurity. In minor points, however—the application of the doctrine and the answer to objections—a comparison merely of standard texts shows an absence of either agreement or clarity. That no more exploration of the Indulgence is especially needed appears from the very fact that so many, if diverse, reports of this region are at hand. Rather, it would seem more useful to compare and harmonize reports already returned, and so to fix on landmarks of the doctrine more or less certainly verified. What is wanted is the cartographer's work.

The business of the map-maker is at best unadventurous and less than glorious, and this article attempts to furnish only a pocket map—a handy guide to a region penetrated and acutely scanned by other minds.

A map has first to lay down the large and well known features of its subject, not so much for information as to give the bearings. Hence we begin with a definition, and review the three radical dogmas implied in it. Then we try to make a little fuller and more definite the line of the frontier. Here we meet three main problems: First, how can the Pope, wielding jurisdiction only over the Church Militant, dispense the Treasury of satisfaction which belongs to the entire Mystical Body? Second, how can the Church use her power over sin —a power of judging—outside judicial proceedings: that is, outside confession? Third, how is it that in the Indulgence, where remission is proportioned solely to the will of the grantor, the Church can exercise her Power of the Keys more effectively than in the Sacrament itself?

II. An indulgence is the transfer to a soul by the authority of the Church of the satisfactions of Christ and the saints, for the remission of temporal punishment—punishment due for sin which, so far as its guilt and eternal punishment are concerned, is already forgiven. We see that the definition declares three principal facts: 1. satisfactions can be trans-

ferred from one person to another; 2. there exist satisfactions which are not needed by the one originating them, and hence are available for transfer; 3. this transfer may be effected by the authority of the Church. Now these facts may be stated in terms of the dogmas which underlie them: namely, the Communion of Saints, the Treasury of the Mystical Body, and the Power of the Keys. It will be well to consider them in order.

III. The doctrine of the Communion of Saints has been defined only in its particular bearings. It is quite clear in the New Testament; and from the teaching of the ordinary magisterium, in writing and word.

The Communion of Saints is primarily the union of souls with Christ and participation in the spiritual goods which flow from Him. "I am the vine, you the branches."[1] But secondarily it is also the union of souls among themselves, and communication of spiritual goods from one to another. Hence the complete doctrine is better expressed in the figure of the Body, of which Christ is the Head, and of which souls are not branches merely, each independent of the other; but members—one necessary to the integrity of all. The clarity of this dogma of the Mystical Body we owe largely to St. Paul. That "we many are one body in Christ, and members each of the other,"[2] is but one of the many remarks in which he expresses the same fact. And he develops the implications of the doctrine with some thoroughness, as when he says, "God hath so compounded the body . . . that there may be no schism . . . but that the members may have a common care for each other,"[3] and again: "Bear ye one another's burdens, and so ye shall fulfill the law of Christ."[4]

This supernatural communion of members, based on union with and participation in one head, has analogies in the natural order. Thus, natural ethics finds in the union of mankind to God through the bond of creation, and the derivation from God of a common human nature and destiny, the basis of the natural solidarity of human society.

[1] John 15:5.
[2] Rom. 12:5.
[3] I Cor. 12:24-25.
[4] Gal. 6:2.

This principle, that union and participation with one head involves a communion among the members, helps to account for the universal extent of the Communion of Saints. The Mystical Body includes in some manner—potentially, inchoatively, actually, perfectly—all who are or may be saved, and excludes entirely only the damned, and infants who have died without baptism. The reason is that salvation is only through union with Christ, and union with Christ, as we have seen, essentially involves communion with all His members. Hence we see that religion, which binds us to God, is essentially a social tie also. "Our salvation is from beginning to end a progressive incorporation into a supernatural society of human souls." Sanctification is "at once a perfect reception of the Spirit of God which is the soul of the social organism, and a perfect incorporation into the Church body, and a perfect functioning as a member of that body." [5]

In the order of nature, moreover, the closeness of the communion among members of a society is in direct proportion with the closeness of the union of each member with the head, and the similarity among the goods which each derives from the head. Thus sons are knit more tightly than cousins. Racial groups find in the bonds of common ancestry, and physical and temperamental likeness, a reason for more perfect solidarity than that which unites, for example, a mere league of nations.

The analogy suggests the reason why the supernatural Communion of Saints is closer than the natural solidarity of men based on creation. On the one hand, our union with God is closer—we are no longer servants but sons; and on the other hand, through this union we participate not only in created gifts specifically alike, but in the identical indwelling Trinity.

Between the Communion of Saints and Indulgences one connexion remains to be made. What are the spiritual goods which Christ's members communicate to one another? Concerning prayers, invocations, intercessions, examples, there is no difficulty. But can one member share with another his

[5] E. I. Watkins, "The Church as the Mystical Body of Christ", in *God and the Supernatural.*

acts of satisfaction? That there is no repugnance in such a sharing, and indeed that it expresses a fundamental law of the supernatural dispensation, is clear from the fact that Christ satisfied for all men. On the other hand, the principle of inter-communication in the Mystical Body is this: there should be a mutual sharing of all those goods which are not exclusively personal—like merit. The obvious deduction is sanctioned by the ordinary teaching of the Church. While this teaching seems not to have been complete in the earlier times, we may discern an implicit application of it in the practice by which the Church accepted the sufferings of the martyrs in place of the canonical punishments owed by sinners. And St. Paul himself suggests the doctrine when he exclaims: "Now I rejoice in my sufferings on your behalf and make up in my flesh what is lacking to the sufferings of Christ, on behalf of his body which is the Church. . . .[6]

IV. An indulgence supposes, as we have seen, not only that satisfactions can be transferred from person to person, but that there are satisfactions superfluous to the one working them: in other words, that there is a Treasury of satisfactions, accumulated by the Mystical Body and applicable to its members.

As the Communion of Saints is primarily union with Christ, so the Treasury consists primarily of the satisfactions of Christ. That Christ satisfied, and that His satisfactions were all superfluous to Himself, is of course an article of faith. But it is certain also that the actions of the Blessed Virgin had a satisfactory value which had no application to personal sin of her own. Nor can we doubt that the many martyrs and saints who crowned perfect lives with intense sufferings have accumulated more satisfactions than they themselves needed.

It is because the Treasury consists primarily of the satisfactions of Christ, that it is inexhaustible. But it is inexhaustible also in a secondary sense: for the merits of Christ will never cease to produce saints, and these united to Christ will ever add to the Treasury. Christ's satisfactions are infinite; those of the saints, indefinite.

[6] Col. 1: 24.

Concerning the latter a word of explanation may be added. Evidently, it is not by necessity, but only by God's free acceptance, that the works of the Saints, once they have satisfied for their own sins, should continue to have satisfactory value. We note, however, that the same remark applies equally to the satisfactory works applied to themselves. Moreover, we may adduce several reasons of fitness why God should still attach satisfactory value to acts, even when the agent himself no longer owes anything. On the one hand such works are apt for satisfying, and are mostly of a penal kind; on the other hand, there remain sins which need to be satisfied for. Besides, the works of Christ's members are likened to the works of Christ Himself. But we must not consider that this satisfactory value is called for by the intrinsic nature of the works themselves. Such works would still retain their fundamental meritorious value, and indeed, were it not for sin, could not have satisfactory value at all.

V. Although superabundant satisfactions may be devoted to others by the individuals themselves who perform them, the question here is of their transfer by the authority of the Church. Such a transfer is an application of the Church's power to forgive sin. The grant of this power is attested in Matthew 16:19, where Christ promises Peter the general power of the keys, and in John 20: 23, where Christ explicitly refers this power to sins. Supposing such a power, two points remain to be established: first, the means at the disposal of the power includes the Treasury of the Mystical Body; and second, the Treasury may be applied to sin in the special way known as the Indulgence.

St. Thomas gives the principle underlying the first point: "Goods which are the common property of a group are distributed to the individual members according to the will of the one who has authority over the group." In applying this principle, however, we meet an objection: The power of the keys is one of jurisdiction and orders; on the other hand, over the Church Suffering and Triumphant the hierarchy has no jurisdiction, nor can its orders affect them. How then can the hierarchy extend its power of the keys over the Treasury, which belongs partly to the Church Suffering and Triumphant?

We answer, first, that jurisdiction over the Mystical Body is not the same thing as jurisdiction over the Treasury belonging to it: the Church wields jurisdiction over Christ's satisfactions, but has none over Christ Himself. Secondly, the Power of the Keys is not limited to jurisdiction and orders, for this would be to deny that the hierarchy has authority over the Mystical Body. The Mystical Body and the Church are identical; the Pope is the Vicar of Christ for all Christ's members; his authority extends to the souls in heaven and in purgatory, as well as to the members of the visible Church on earth. Only he wields this authority differently according to the condition of each group; over the Church on earth, by way of orders and jurisdiction; over the Church in heaven and purgatory, by way of prayer. Thus, having *authority* over the whole Mystical Body, the Church has thereby title to *jurisdiction* over the Treasury of the Mystical Body.

By way of parenthesis it may be added that it is by virtue of this principle that the Church applies indulgences to the souls in purgatory; not indeed by an act of jurisdiction; yet with real authority—for we must not place the prayer of the Church on the same level with private individual prayers.

In considering the second proposition, namely that the power of the keys may be applied to sin in the special way known as the Indulgence, we note a main peculiarity of the Indulgence: it is extra-judicial. But the power of the keys is a judicial power: indeed, it is so essentially judicial that we prove, from the terms of its granting, the necessity of confession. How use a power essentially judicial outside of judgment?

Let us examine the premise of the objection: that the power of the keys is judicial. The argument may be formulated thus: The power of forgiving sins is judicial, because outside of judicial notice of individual cases, remission could be granted only conditionally. But if the Church could remit sin only conditionally, there would be no reason why the Church should have the power to remit sin at all; more fittingly Christ would have given her the power merely to preach the conditions under which God himself would remit sins directly. For if it be permitted to inspect the mind of

Christ, we may say that the main reason why He gave power over sins to the Church was the spiritual guidance of penitents:—by making the power judicial, He obliged them to resort to spiritual experts each time they might wish forgiveness.

Now we cannot admit the force of this argument, for, if it be drawn out to its conclusion, it attacks the whole sacramental system. If there is no reason why the Church should administer Christ's satisfactions extra-judicially, there is no reason why she should apply any of the *ex opere operato* means of sanctification extra-judicially—which in fact she does in all the sacraments except Penance. And indeed, we may assign a motive more fundamental than spiritual guidance, why Christ should give His Church *ex opere operato* powers of producing grace: namely, that man's sanctification, like the rest of his progress to his end, should be perfectly social.

We note besides that the Church does in fact forgive sins outside of judgment, both in baptism and in extreme unction.

The power to forgive sins, then, is not so essentially judicial, that from its very nature we can demonstrate the necessity of confession. This necessity—while it is real—is based not solely on Scripture, but largely on Tradition. Hence nothing forbids that the same power over sin be used in the sacrament of Penance and in the Indulgence.

The power of the keys therefore extends over the Treasury of the Mystical Body, and it can be applied outside of judgment. In short, the Church has the authority to give Indulgences. But in the details of the use of this power one further difficulty arises.

It is this. Compare the efficacy of the Church's power over sin, in the sacrament on the one hand, and in the Indulgence on the other hand. Both are an exercise of the power of the Keys; both work *ex opere operato;* both include the same material object. Yet in the sacrament the application of Christ's satisfactions is—not merited indeed—but proportioned to the dispositions of the penitent, whereas in the Indulgence it is proportioned solely to the will of the grantor.[7]

[7] Galtier, *De Paenitentia*, No. 576.

The disparity is most evident in the case of plenary remission of temporal punishment; in the sacrament this requires—by way of disposition—a specially intense act of perfect contrition; while in the Indulgence no such disposition is required, except *per accidens* by the will of the grantor. But how can the use of the power of the keys be in the Indulgence more efficacious than in the Sacrament?

Tanqueray [8] explains the disparity by adducing the analogy of the power which a well ordered government has, not only to exact payment of satisfactions owed, but also occasionally to *condone* them. But the analogy scarcely holds, since by the Indulgence the debt is really *paid,* no less than in the Sacrament.

The explanation is, rather, that the action of the Indulgence is in fact *less* efficacious than that of the Sacrament. For though both proceed from the same power of the keys, and both work *ex opere operato,* their immediate effects are different. To express the difference, Galtier applies, to sacramental action, the name "per modum absolutionis"; to the action of the Indulgence, "per modum solutionis". The meaning is that the Sacrament gives remission of temporal punishment immediately, really cancels the debt; while the Indulgence does not cancel the debt, but merely transfers to the soul the means whereby the debt *may* be paid. If you compare the sacramental remission to money paid directly to a creditor, then the Indulgence is a draft made out in favor of the debtor which cannot be applied on the debt save when endorsed by the debtor's charity. The Indulgence is *gained* therefore without reference to the dispositions of the subject, save in so far as the grantor makes them conditions; it is *applied* to the remission of the debt only under the same conditions as required for sacramental remission. In short, it is exactly as easy to gain even plenary remission of temporal punishment in the Sacrament as in the Indulgence. And the Sacrement in its full scope is of course more efficacious than the Indulgence, because it gives remission, not of temporal punishment only, but of the eternal punishment and the sin itself.

[8] *De Paenitentia,* No. 612.

Note, however, that one might devote, let us say, to the souls in Purgatory a plenary indulgence which, because of his imperfect charity, he could gain but not take advantage of himself.

VI. This map has tried to contribute to the clarity of the Indulgence question. Where blurred spots remain, it may be that the failure is one, not of clarity, but of simplicity. And simplicity has not always been a possible ideal. The complexity of the subject is indeed partly apparent: the result of compressing a voluminous subject down to the scale of an essay. But it is partly real; it may even stand (to change the figure) as a token of the full connexion there is between the doctrine of the Indulgence and that living structure of Catholic truth, whose perfection—being an organism—is, precisely, to be highly organized.

ALBERT J. STEISS

New York City.

UPKEEP OF PARISH BUILDINGS.

AT PRESENT there exists no great enthusiasm for new building. What we have must be made to do for some time to come. Four years ago we emerged from a period of building activity of unparalleled intensity. Numerous fine structures were erected, churches, schools, convents, rectories, institutional buildings, all undertaken to keep pace with national prosperity. In the great majority of instances these edifices were well designed, commodious, well equipped and, architecturally speaking, well within the high standard that prevailed. The Catholic Church in America has asserted its interest in possessing physical property worthy of its high aims in a spiritual sense.

Most of this building has been paid for. Some of it has been the cause of considerable hardship in that reduction of principal and interest payments have entailed extraordinary sacrifices. When we built, however, in accordance with the nation-wide program, we incurred a continuing obligation which we may not conscientiously ignore. We must keep these structures in good working order; in a healthy state of preservation; for to waste the funds invested in them by neglect would be little short of criminal.

What then is to be done, granting that we are to face the situation squarely and with prudence? First, a survey should be made of all parish, diocesan or institutional properties. This summary would disclose the number of structures, their condition, replacement cost and the extent to which they fulfil their routine functions. Some structures might be found to have completely outlived their usefulness and logically should be taken down. Others, perhaps, the great majority would be found to need repair. Some few would indicate no necessary adjustment.

It should be borne in mind that practically all buildings wear out in time, even when constructed in the most scientific manner possible of fire-proof and fire-resisting materials. In fact, disintegration of certain forms sets in almost immediately after a structure is completed. Erosion, friction, and other factors are ever-present causes to which no kind of construction is entirely immune. It is quite true, of course, that very well built edifices are long-lived. Even those structures that

satisfy the minimum of requirements for sound buildings are reasonably certain to endure for a considerable period. The vital parts of many may be kept sound with a little attention and the expectancy of life of most buildings may be approximately calculated. In case certain structures have been found to be completely obsolete, their complete removal should be considered, inasmuch as they might menace the safety of adjacent structures. Some might have become too serious a drain upon the budget for upkeep through constant and expensive repairs. Others might possess internal arrangements so inconvenient, perhaps dangerous, as to make them unsafe in case of fire, panic, storm. These in particular should be examined closely.

Since all structures are subject to decay, it is merely good sense to study the kinds of weaknesses that ordinarily develop. This will lead to the setting aside of funds necessary for essential repairs, replacements and changes. Periodic inspection will disclose two kinds of defects; the easily visible and those that are invisible. The latter are discovered only by tests made under the direction of competent building authority.

The plans and specifications that were made for the structures should always be available. In addition, the changes made during the course of construction or after the structures were put to use, should be added to the plans, so that a fairly perfect record exists of the building as it stands. This obviously should include all mechanical equipment, heating, wiring, plumbing, and the like.

It is not possible for the average laymen to interpret plans. The architect of the building should be called in for consultation with reference to changes of any kind whatsoever. In the long run, this procedure will prove inexpensive and it is the general practice of all large industrial corporations.

Many buildings are really more valuable than they seem to be upon casual inspection. Provided the exterior walls are sound and the roof is found to be in good condition, the life of most structures may easily be prolonged by means of a few simple operations. Some buildings of pronounced ugliness and outmoded as to " style " may through the elimination of useless cornices, ornamental details and such like, be made to look quite well. In addition there is a pronounced vogue for great sim-

plicity: and this permits the process to coincide with present-day opinion as to what is "good-looking," architecturally speaking.

Amongst the visible defects that may appear troubles due to the corrosion of paint are perhaps the most common. Painting should be considered in three-year yeriods. Scaling-away of paint is readily seen and fading in color gives a clue to the disappearance of this valuable protective covering. Woodwork, for the most part quickly rots if not kept painted. This also applies to galvanized iron, so-called "tin", and practically all exposed iron work—railings, balconies, fire-escapes, finishes, etc. The painting should be carefully done in accordance with a good specification. Surfaces should be cleaned before the new paint is applied.

Pointing-up of brickwork is required at longer periods and similarly stone work should be repointed to prevent leaky walls. Cement work which shows cracks is most difficult to repair. Copper flashing should be examined from time to time, as the soldered joints, due to the alternate expansion and contraction of the copper sheets, may become broken. Parapet walls should be inspected. Leakage around steps, area-ways, sills and jambs of windows may cause much disfigurement unless checked. The now common waterproofing of walls was unusual in earlier days. Old walls may be waterproofed without difficulty and at no great expense. Falling plaster may be the result of serious structural trouble or merely local defects in the plaster itself. This should be determined. Stucco will not peel off if it is done properly. Applied to an old and leaky wall, it may prove very beneficial.

There are many new appliances on the market. Many of these are directed toward mechanical equipment. Advertising literature, though not necessarily untruthful, is frequently exagerated with regard to the claims set forth. However, modernization of this sort is most beneficial and pays for itself in the saving of labor and time and in other ways. Insulation of walls is also a modern device and it sometimes may be accomplished with an improvement in the acoustical properties of church, hall, or places of public assembly. Insulation may also procure greater comfort in summer as well as in winter and it reduces fuel bills through the lessening of heat-loss. The

repair of "neglected" property is also considered to be a real and efficient means of speeding general recovery. To delay necessary repairs is false economy, for the unseen defects often announce themselves when it is too late. A careful check-up of all such items affords real protection. Although relatively fool-proof, all mechanical equipment should be studied for imperfections, adjustments and replacements. Unnecessarily high insurance rates may apply to hazardous property that would benefit by lower rates without radical changes being made in the buildings. But expert advice should be sought.

Many parish buildings function in a way not anticipated by their original purpose. This may be due to the purchase of old buildings and their conversion to school needs. I once attended such a school in Chicago. The building had formerly been a brewery. A few windows had been punched through the walls, but the large unbroken areas characteristic of the brewery still predominated. We studied in the day time by gas light but learned to play handball well as the uninterrupted wall spaces made for excellent handball courts and the Brothers were as good themselves on the courts as in the class room.

Common sense dictates that remodelling should be undertaken only after a thorough study of the extent of the changes to be made and the resultant expense to be incurred. It is apt to prove more expensive than the cost of similar new work as originally installed for two reasons; first, the advance in current prices over costs of a generation ago; secondly, the incidental patching-up. It is well therefore to pause at this stage.

It is only a natural and proper safeguard to have prepared in advance carefully made estimates comprehensive of every item and perhaps to allow a small percentage for "contingencies," because in some cases surprises occur in the nature of conditions found to exist. In some cases a cost-plus method of letting out the building contract would be most prudent.

In résumé, then, the present is a good time to remodel, to renovize, certainly to aim to preserve what already exists in the way of buildings that may still render adequate service. As times goes on we shall build more wisely, with fewer architectural frills, but with greater attention to utility, franker acknowledging of practical considerations and much less ornamentation. Better materials will be used; buildings will be

more durable, and perhaps built so that internal changes may readily be made. The inherent forms resulting from the sheer necessities in plan will determine the proportions and we shall be less concerned over copying "styles".

Sensible custodians of diocesan or institutional property will admit the possibility of storms causing trouble—loosening tiles, slate, etc., on roofs, breaking glass, flooding basements, etc. All such defects will be anticipated and calmly provided for. Analysis of groups of related structures will perhaps point to the installation of a central heating plant. Air conditioning may be suggested for college buildings used in the summer in regions where high temperatures prevail. Occasionally additional stories may be added to existent structures. Engineering advice is clearly dictated in these cases.

When improvement in the interior decoration of churches or changes in lighting are undertaken the assistance of a competent architect should always be sought. Great betterments can be effected in this way at relatively low cost.

Authorities of every kind whose responsibilities include trusteeship of tangible properties may in this way hinder premature decay and pass on to their successors useful structures capable of serving for many years at little cost.

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Studies and Conferences

Questions, the discussion of which is for the information of the general reader of the Department of Studies and Conferences, are answered in the order in which they reach us. The Editor cannot engage to reply to inquiries by private letter.

THE TEACHING VALUE OF THE MASS.

To the Editor, THE ECCLESIASTICAL REVIEW.

The practical turn of the American mind has of late been evidencing itself in the field of catechetics. In recent years a number of excellent works on catechetics, methods and means of teaching catechism, simplified and graded catechisms, have emerged from our presses. Sometime ago, as I was preparing my Mass in view of Ordination, I came upon an idea which struck me as being practical in this same field. After dealing for years with the raw materials of theology, I was surprised to find the doctrines of our faith so beautifully and clearly interwoven, as it were, in the fabric of the Mass, and the thought came to me that the Mass might be used as a background for doctrinal, scriptural and even historical instructions. While studying Homiletics, our professor insisted strongly on the "main thought," which he compared to a string with which the meat of the sermon could be tied up and taken home. Now, it seems to me that, if doctrine, Scripture and church history were taught in relation to the Mass, it would have this same effect; the Mass would be like a string tying together all the instructions received. This would have a double advantage: it would not only give the faithful a coördinated knowledge, but it would enable them to see the doctrines of the Church at work and would bring them to an intelligent assistance at Mass. In the present paper, I do not propose to develop the idea to completion but merely to show its possibility with the aid of a few examples.

First of all, we find the Creed inserted in the Mass, which is in itself a résumé of all the great doctrines of our faith. Then comes the sublime theology of sacrifice, which is brought

out very clearly in the Mass. We find expressions of adoration, thanksgiving, reparation, and petition, shining like so many jewels in the crown of the Mass. The "Gloria" and the "Sanctus" express adoration; the Preface is a great prayer of thanksgiving; reparation is the theme of the "Suscipe, Sancte Pater" and the symbolism of the "Agnus Dei," and petition is the keystone of the Collect. The doctrine of the Redemption is simply yet profoundly taught in the symbol of the "Agnus Dei." The Redemption is also referred to in the prayers surrounding the Consecration and vividly brought before the eyes of the faithful in the liturgical gestures and ornaments. No motion is more frequent in the Mass than the sign of the Cross, nor is any symbol more frequently seen on the altar and vestments than the cross and the crucifix. The doctrine of the communion of Saints also has its place in the Mass. In the Commemoration of the Living we remember the members of the Church Militant; in the Memento for the Dead we intercede for the Church Suffering, and in the "Communicantes" we honor the Church Triumphant. Even the notion of sin can be explained through the medium of the prayers at Mass. In various places in the Mass we pray for peace. And what is peace but the opposite to sin, the absence of sin? Peace is opposed to warfare; sin is but warfare waged against God, the rebellion of the creature against the Creator, a type of warfare expressed in Lucifer's "Non serviam". Threads of eschatology are likewise to be found running through the Mass: at various times we are brought before the Judgment, Heaven, Purgatory, and Hell. In the Creed we read, "et iterum venturus est cum gloria judicare vivos et mortuos," a reminder of the Judgment. In the "Nobis quoque" we ask to share the heavenly company of the saints; in the Commemoration of the Dead we profess our faith in Purgatory, and in the "Hanc igitur" we ask to be delivered from the eternal pains of Hell ("atque ab aeterna damnatione nos eripi"). These are but a few examples which are chosen almost at random, but which, I trust, will suffice to bring out the doctrinal value of the Mass from a pedagogical point of view.

The Mass might be an equally valuable instrument in Scriptural instruction. The very notion of the Mass itself brings us back to various sacrifices of the Old Law in general and to

the sacrifice of Melchisedech in particular. In the "Supra quae propitio" reference is made to the sacrifices of Abel, Abraham and Melchisedech. In the various gospels throughout the year we are given a complete picture of the life of Christ. To bear this out I am inserting an outline found in a French work (*Liturgia*), but translated and abridged to a certain extent.

Month	Liturgical Feast	Subjects Treated in Gospels
December	2nd, 3rd and 4th Sundays of Advent.	St. John announces the coming of Christ.
	ADVENT	
	Wednesday of Ember Days	Annunciation to Blessed Virgin.
	Friday of Ember Days	The Visitation of the Blessed Virgin.
	Vigil of Christmas	The Annunciation to St. Joseph.
	CHRISTMAS	The Birth of Christ.
January	*Circumcision*	Jesus is circumcised.
	Holy Name of Jesus	Jesus receives His name—"Jesus".
	Epiphany	The Adoration of the Magi.
	Sunday in Octave of Epiphany	The Flight into Egypt.
	Octave of Epiphany	Baptism of Jesus by St. John.
	2nd Sunday after Epiphany	Miracle at the Marriage Feast of Cana.
March	1st Sunday of *LENT*	Jesus fasts 40 days in the desert.
	Gospels of Lent	The public life of Jesus.
	Palm Sunday	Jesus enters triumphantly into Jerusalem.
	Holy Thursday	Christ washes the feet of the twelve Apostles at the Last Supper.
	Good Friday	The Passion and Death of Jesus.
	Holy Saturday	The Holy Women come to the Tomb of Jesus.
	EASTER SUNDAY	The Resurrection of Jesus from the dead.
	Easter Week	The different apparitions of Jesus after His Resurrection.
	Quasimodo (1st Sunday after Easter)	Apparition of Jesus to St. Thomas.
May	*Ascension*	Jesus ascends into Heaven.
June to	*PENTECOST*	The Holy Ghost comes down upon the Apostles (Gospel narrates promise of Holy Ghost).
November	24th Sunday after Pentecost (the last of the church year)	Second Coming of Christ as Judge.

An explanation of the symbol of the "Agnus Dei" would alone impart a wealth of Scriptural knowledge. It carries us back to the captivity of the Israelites, when the chosen people were spared from the Angel of Death by the blood of the lamb. It recalls the feast of the Pasch, the feast on which the True

Lamb was offered for the first time. The symbol of the Lamb of God enters even into the rites of the ancient Jewish temple. It is seen among the prophecies of Isaias, where it is foretold that Christ will go to His death, silent, as sheep to the slaughter. It brings back that little scene enacted on the shores of the Jordan when John pointed out Christ to his disciples with the words, "Behold the Lamb of God." Finally, it reaches into the Apocalypse of John, recalling that beautiful vision wherein Christ is seen as the Lamb who alone could open the seven seals of the Book of Life. These examples have likewise been gathered from a superficial study of the Mass, yet they seem sufficient to show that the Mass can be used as a practical background for Scriptural instruction.

A certain amount of church history too might be practically imparted through the medium of the Mass. For instance, the presence of the relics in the altar-stone tells of the great sacrifices undergone by Christians throughout the centuries. Even the various shapes which altars take serve to instruct the faithful in simple lessons of church history. The table-shaped altar teaches of the Last Supper and the Agape of the early Christians. The tomb-shaped altar recalls the Mass of the catacombs, when the Christians, forced to flee from the fury of persecutors, took refuge in the bowels of the earth and offered their sacrifice on the tombs of martyrs. The little Offertory collection can also serve as a means of instruction. It can be used in an instruction on the history of the charity and generosity of the faithful toward the Church. An explanation of its origin would take us back to the time when the Christians sold their home and their farm and all their earthly possessions and placed the price of them at the feet of the Apostles. It would take us through that period of the Church when the faithful came to the altar at the Offertory to present the bread and the wine to be used in the sacrifice and for the sustenance of the clergy. It would tell of the zeal of those Christians who carried on their backs the huge stones that went into the walls and towers and buttresses of the great churches that dominate the towns and cities of Europe. The very division of the Mass into the Mass of the Catechumens and the Mass of the Faithful is a lesson in the early discipline of the Church. A deeper study of the Mass would no doubt reveal an abundance of similar lessons.

In the preceding paragraphs, I have succeeded only in scratching the shell of the wealth of lessons contained in the Mass. But if this little letter will serve to stir up some one better qualified than the present writer to compile a series of instructions, all centering on the center of every Christian's life, the Mass, it will have served its purpose.

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NOTES ON THE JUBILEE FACULTIES.

Faculties to absolve from reserved censures, whether these faculties are conferred by the common law as in canons 2252, 2254, or by delegation of the superior, or by the Roman Pontiff during a Jubilee, may be exercised only under the conditions implied in the clause " injunctis de jure injungendis ".

This clause " injunctis de jure injungendis " (" having enjoined those things which the law demands should be enjoined ") means:

1. that any injury done to another through the commission of the crime for which the censure was incurred, must first be satisfied, or, if this cannot be done at once without grave inconvenience to the penitent, that the penitent shall seriously promise to make satisfaction as soon as possible;

2. that in the case of public censures scandal shall be repaired, e. g. by the frequent reception of the Sacraments;

3. that a canonical penance shall be imposed in addition to the sacramental penance. If the law or the faculties call for " gravis et diuturna poenitentia," the confessor may impose monthly confession for six months, or the daily recitation of the rosary for one month; if only a " congrua poenitentia " is in order, the confessor shall impose a penance proportionate to the gravity and quality of the offence;

4. that where the law or the faculties so state, the penitent shall appear before his superior, at least after being absolved, and abide by any instructions he may receive.

It may here be asked: in which cases is it binding upon the penitent, in virtue of the Jubilee faculties, to appear, personally or by letter, before the superior, after being absolved by a

confessor? We answer that this obligation will be present in the following cases:

1. If, in danger of death or in otherwise urgent cases as described in canons 2252, 2254, the penitent was absolved from a censure reserved *specialissimo modo* to the Holy See, it being forbidden to absolve from such censures outside the cases described.

2. If the penitent was absolved from a sin reserved personally to the Roman Pontiff, e. g. from the sin of violating the secret of the Holy Office.

3. If absolution was granted to a priest guilty of the sin of having absolved a penitent involved in L'Action Française.

4. If the penitent was absolved from a censure which he incurred through a particular precept of the superior, or through a condemnatory or declaratory sentence of the ecclesiastical court.

Outside the cases here excepted, the penitent may be absolved from any censure reserved by the common law without the obligation of recourse to the superior of the external forum, the confessor himself taking the place of the superior and imposing the orders (*mandata*). And this applies also to censures public *de facto* only.

What these *mandata* are may be learned from the Jubilee faculties themselves, as in the case of heretics, members of condemned societies, readers of prohibited books, etc. If the faculties call for no special *mandata,* it suffices to impose the canonical penance. But always there will be the implied *mandata* to satisfy for any injury done to another, and to repair any possible scandal.

Generally speaking, absolution when given in the internal forum will be valid for the external forum also, in the sense of canon. 2251. That is to say, the penitent may conduct himself as absolved in the external forum as well, (e. g., an excommunicated priest, after being absolved from his censure in confession could say Mass, hear confessions, etc.), provided scandal is removed, and so long as the superior of the external forum does not urge the observance of the censure. Scandal in the case of public censures is sufficiently avoided, as a rule, if the faithful see the penitent going to confession, for then they

must presume that he has been properly absolved. In practice, the superior does not generally urge the observance of the censure in the external forum, not even if there is question of a censure public *de facto,* but is satisfied with the absolution given in the internal forum, provided scandal is removed, as was just explained.

The rule that absolution given in the internal forum will avail for the external forum suffers an exception when there is question of a penitent who has been personally (*nominatim*) censured through a particular precept of the superior, or in virtue of a condemnatory or declaratory sentence of the ecclesiastical court. Here the penitent may indeed be absolved, but the absolution will be valid only to the extent of permitting the penitent to gain the Jubilee and, consequently, to receive Holy Communion.

While the Jubilee faculties extend to censures of every kind, namely, to excommunication, suspension and interdict, they do not empower the confessor to dispense from vindictive penalties. This must be kept in mind if the penitent is under suspension or interdict; for, whereas excommunication is always a censure, suspension and interdict, on the other hand may be either censures or vindictive penalties, although in doubt they are to be presumed censures (canon 2255, § 2). Where suspension or interdict is imposed *in perpetuum,* or for a definite time, or *ad beneplacitum superioris,* they are vindictive penalties, because censures, being of their very nature medicinal, cannot be inflicted with any reference to duration, and must be lifted as soon as the delinquent repents (c. 2248, § 2; c. 2291, n. 1; c. 2298, n. 2).

However, even suspension, when considered as a censure, cannot be lifted if the cleric was suspended by means of a particular precept of the superior, or through a declaratory or condemnatory sentence of the ecclesiastical court. In these cases, as we have seen, the censure can be removed only to the extent of allowing the penitent to receive Holy Communion in order to gain the Jubilee indulgence. But suspension, unlike excommunication and personal interdict, does not forbid the reception of the Sacraments.

Faculties concerning reserved sins, censures and irregularities may be applied once only in favor of the same penitent, provided he has not as yet gained the Jubilee, and provided he has not profited by the extraordinary Jubilee faculties since the beginning of the extended Holy Year. And so, when a penitent confesses a reserved sin, or censure, or an irregularity, the confessor must inquire:

1. whether he has already gained the Jubilee; and, if he has not,

2. whether he has already been absolved from a reserved case, or been dispensed from an irregularity since the beginning of the Holy Year. And if it is found that the penitent has already gained the Jubilee, or even though he has not, if he has already been absolved or dispensed as was stated, the confessor must apply for faculties through the usual channels.

But other faculties, namely, those which refer to vows, visits, etc., may be exercised repeatedly in favor of the same penitent.

No confessor is authorized to absolve from a censure "sub poena reincidentiae," unless this is expressly stated. To do so would be to impose a censure *latae sententiae,* whereas only superiors with jurisdiction in the external forum have authority to inflict censures.[1]

Confessors may dispense from irregularities "ex delicto occulto," and from the marriage impediments of crime referred to in c. 1075, n. 1 and of consanguinity arising from illicit copula.

While the Constitution specifically states that the irregularity must be entirely (*prorsus*) occult, it omits this qualifying term when speaking of the marriage impediments, and simply says that these must be occult.

From this one might conclude that the confessor is authorized to dispense from the impediments in question if they constitute occult cases in the sense of c. 1045, § 3 and of the answer of the Pontifical Committee of 18 December, 1927. The Committee's answer was to the effect that the occult cases referred to in c. 1045, § 3 comprised not only impediments occult by their nature as well as in fact, but also impediments public in nature though occult as a matter of fact, hence, not entirely (*prorsus*) occult.

[1] Cf. Vermeersch-Creusen, *Epitome Juris Canonici,* III, n. 447; also c. 2220.

Apart from the fact that most authors deny the confessor the power to dispense in occult cases, restricting the above answer to pastors and priests who witness marriages, the Jubilee faculties themselves speak of occult *impediments,* not of occult *cases.* Now an occult impediment is an impediment which cannot be proved in the external forum either by means of an authentic document, or two trustworthy witnesses (c. 1037); in other words, it is entirely (*prorsus*) occult. Hence we conclude that the Constitution empowers confessors to dispense only if the impediments are strictly occult, so that they cannot be proved by two witnesses.[2]

As a matter of fact this will usually be the case, although the impediment of crime would be public if two Catholics were united in civil marriage during the lifetime of a former spouse, the law in this case presuming adultery.

Of the Jubilee faculties, some must be exercised in the sacramental forum, namely those which concern sins, censures, irregularities and impediments; others may be exercised in the internal extra-sacramental forum. To absolve or dispense in the sacramental forum it is required that the penitent go to confession, while an act of jurisdiction may be exercised in the internal extra-sacramental forum outside of confession.

When it is said that these faculties must be exercised in the internal forum, this must not be understood in the sense that some particular place is intended. Rather, the particle " in " can be substituted by the particle " for," since all that is meant is that the effects of the act of jurisdiction extend only to the internal forum.[3] Nor is it necessary in the present case that the faculties be exercised secretly in the internal extra-sacramental forum.

However, the Jubilee faculties can be exercised in the internal extra-sacramental forum only in favor of penitents. According to Capello[4] a person may be called your penitent if you could here and now hear his confession, did he express a desire

[2] " Poenitentiariis facultas etiam confertur dispensandi, sed in foro sacramentali, eos qui jubilaei veniam lucrantur, matrimonii convalidandi gratia ab impedimento occulto, id est, quod nequit in foro externo probari." (*Periodica,* 1933, * 88.)

[3] Cf. D'Annibale, *Summula Theologiae Moralis,* I, n. 25, note 17.

[4] *Periodica,* XVIII, p. 29.

to confess. It follows that the party need not confess, nor is it necessary that the favor be granted immediately before or after confession. Yet it seems that the beneficiary ought to be present, and, if a woman, present in a place lawfully designated for hearing the confessions of women (cf. c. 909).

In the matter of visits, pastors may grant dispensations, reductions, commutations, even in favor of non-penitents. And since we have here a case of voluntary jurisdiction which may be exercised "inter absentes," [5] unless the nature of the case forbids this as in the preceding paragraph, it follows that a pastor may dispense in the matter of visits by letter, telephone, through an intermediary, etc. But the beneficiary must be the pastor's subject as the Jubilee documents explicitly state. Wherefore, in the case of strangers the pastor can do nothing, save in the capacity of a confessor as explained above.

The Constitution permits nuns and sisters to make their Jubilee confession to any priest of their choice, that is, they may call in any priest, provided the priest is approved for hearing the confessions of men and women in the diocese. It is not stated how often this can be done.

In the Jubilee of 1925 [6] the indulgence could be gained twice, and as regards religious women we read: "Monialibus, aliisque feminis, quarum ad confessiones excipiendas, ex Codicis praescripto, specialis Ordinarii adprobatio requiritur, fas esto hanc dumtaxat jubilaei confessionem apud quemvis confessarium ab eodem loci Ordinario pro utroque sexu approbatum peragere; quae semel completa, jam nulla confessarius iste in eandem penitentem jurisdictione gaudet, nisi ad Codicis leges." Since the text of the Constitution left it doubtful whether or not the religious women could avail themselves of this privilege twice, once for each indulgence, most canonists gave them the benefit of the doubt.

The present Jubilee documents contain no restriction whatsoever on this matter. Wherefore, there is all the more reason to assert that the religious can call in any confessor approved in the diocese for hearing the confessions of men and women; and this they may do as often as they wish to confess for the purpose of gaining the Jubilee.

[5] Cf. D'Annibale, *Summula Theologiae Moralis*, I, n. 25, note 13.
[6] *Acta Apostolicae Sedis*, XVII, 615.

In virtue of c. 201, § 3, an act of voluntary jurisdiction can be exercised in one's own favor, unless the contrary is evident from the nature of the case. From this principle it is permitted to conclude that a Jubilee confessor can dispense himself from private vows, and grant himself relaxations in the matter of visits.

On the other hand, he cannot absolve himself from sins or censures, nor dispense himself from irregularities, not only because absolution from sins and censures involves the exercise of judicial authority and no one can be a judge in his own case, but also because in respect of irregularities a dispensation from which is but an act of voluntary jurisdiction, these can be removed only in the sacramental forum, as the Jubilee documents explicitly state, and no one can be his own penitent.

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ARE WE ONE IN CHRIST?

To the Editor, THE ECCLESIASTICAL REVIEW.

Are we one in Christ? This is a question that goes to the very heart of a Catholic's Christianity. Yet, many a Catholic, yes, many a priest might answer it in the negative in regard to himself and some of his fellow-workers "in Christ", without adverting to the spiritual atrocity implied in his negative answer. Is it that we are so accustomed to lack of unity in Christ, that our consciences have become hardened to it? If we put the very same question in another way, "Is Christ one in us?" we can see at once that a denial admits logically of only two conclusions: Either Christ is divided, or Christ is not in us, at least not that fulness of Christ which He Himself desires and prayed for. "Father . . . that they may be one, as we also are one: I in them, and thou in me; that they may be made perfect in one." [1]

That the members of Christ may be one in God, they are baptized in one and the same Faith by one and the same Baptism. "One Lord, one faith, one baptism, one God and Father of all, who is above all, and through all, and in us all." [2] Even

[1] John 17: 21-23.
[2] Eph. 4: 5-6.

before Baptism all men are one before God, at least by destiny; they are all children of a common Father through one creation, and they are all by destiny supernatural children of God by one and the same Redemption. After Baptism and through it, they become fellow-members of Christ in that sublimest union which is the life of the Mystical Body. Of course there still are different members in Christ: "many members, but all the members have not the same office," yet they, "being many, are one body in Christ, and every one members one of another".[3] There are ultimately as many differences among men as there are human individuals, but these differences do not count over against the more fundamental oneness. What can still divide souls born anew in water and the Holy Ghost? Certainly nothing *in Christ!*

And when to this fundamental unity of Baptism is added that of Holy Orders, unity in the full certified priesthood of Christ and the Church, what can still divide such souls? What is there that can keep them from acting as one mind and one soul in the ministry of Christ? What, indeed! Yet it is precisely here that the question forces itself upon us: Are we really one in Christ?

St. Paul had occasion to say to the Galatians: "For as many of you as have been baptized in Christ, have put on Christ. There is neither Jew nor Greek: there is neither bond nor free: there is neither male nor female. For you are all one in Christ Jesus."[4] Neither Jew, nor Greek, but all one in Christ! How far from the ideal, when the faithful hear of the disparagements thrown to and fro, not merely among the baptized but among the ordained! What *is* the difference in Christ between the diocesan and the religious priest? Then why the belittling of the sacerdotal efforts of the one by the other, scorn of the work of the one by the other. Petty criticisms, disparagements, mutual jealousies and suspicions, innuendoes even as to character, hints at inferiority, at hypocrisy, ulterior motives and the like—the Jew spreads them about the Greek, and the Greek about the Jew. That is the picture the faithful in the fold behold only too often in the ministry of Christ's Church. "Be not conformed to this world," St. Paul exhorts the Romans,

[3] Rom. 12:4-5.
[4] 3:27-28.

" for I say, by the grace that is given me, to all that are among you, not to be more wise than it behooveth to be wise, but to be wise unto sobriety." [5] Divisions within the ranks of the clergy seem not to have been visualized as possible by St. Paul. What he says to the faithful in this regard should hold *a fortiori* for those raised above the ranks of the laity. " I therefore, a prisoner in the Lord, beseech you that you walk worthy of the vocation in which you are called. With all humility and mildness, with patience, supporting one another in charity. Careful to keep the unity of the Spirit in the bond of peace. One body and one Spirit, as you are called in one hope of your calling." [6]

" Careful to keep the unity of the Spirit in the bond of peace," so that no conscious human deficiencies may hinder the work of that Spirit " unto the measure of the age of the fulness of Christ." What an indictment is not this of the actualities of our life in Christ? It is not necessary to look to the relations between diocesan and regular clergy for lack of harmony and coöperation. Just as in the thirteenth century, the diocesan clergy could at times rest from combat, while Dominicans and Franciscans went at each other, and the interested spectators resting on the sidelines enjoyed the display, so also the diocesan clergy of to-day may smile at the jealousies and the unfraternal and un-Christian relations between various religious. If the diocesan clergy of to-day are amused at such displays, it is but another instance of the point I am trying to make about the absence of unity and charity in Christ among us. I am sure that Christ does not laugh at such things.

There is little open combat among religious to-day, such as there was in the franker and more honest thirteenth century; yet, let but a religious of one order or society propose a wider Catholic movement or project of some kind, and at once it is stamped as sectarian, in effect if not in so many words, by religious of other orders. Where one order or society gains prominence in some field of Catholic activity, others must at once form counter projects rather than support a good work already launched successfully. It is as if the religious were at times more concerned with the greater glory of their own orders or communities than with that of God. Books are

[5] Rom. 12 : 2-3.
[6] Eph. 4 : 1-4.

quoted or reviewed favorably if they come from the pens of fellow religious of the writer in question; otherwise their value is minimized, or they are passed over in silence. Yet, there is but one measure of truth, and that is Christ. What was it St. Paul said so tersely? "Now this I say, that everyone of you saith: I indeed am of Paul; and I am of Apollo; and I am of Cephas; and I am of Christ. Is Christ divided?" These words of the great Apostle were prefaced by the earnest exhortation: "Now I beseech you, brethren, by the name of our Lord Jesus Christ, that you all speak the same thing, and that there be no schisms among you; but that you be perfect in the same mind, and in the same judgment."[7] What solicitude and love in the tender, "I beseech you, brethren"! Would St. Paul be as forbearing with us who have centuries of the Christ life behind us, were he to listen in when we say, as we do so frequently: "I am of Benedict; I am of Ignatius; I am of Francis; I am of Dominic." Is Christ divided? No. Christ is eternally one; and so the only conclusion to be drawn is: Christ is not in us.

The same spirit of division seeps farther and shows itself within the ranks of the same community or group. Among teaching religious in the same school, what un-Christian reaction is not seen at times to a particular teacher's special success, to the deserving praise bestowed on one or two noteworthy results achieved with the children? And in parishes we see at times the humiliating spectacle of a pastor minimizing the good work of an assistant whose zealous efforts bear fruit among the faithful, or the spectacle of an upstart assistant refusing to support the work of a pastor because all the credit for it will go to the latter! No, we are not always one in Christ!

Disruption of the unity of Christ is also possible in many other subtle ways. Unity in Christ is obtained only when the members of His Mystical Body merge their own selves in Christ. The unity is disrupted whenever such a member plays up his own rôle in the general scheme of life and refuses to die to himself in order to live to Christ. This is the more true when such a member holds the position of the ministering Christ in relation to his fellow members in the Mystical Body. All authority comes from God, and in the Christian dispensa-

[7] 1 Cor. 1:10.

tion all authority is the authority of Christ. Not only is this true of pope, bishop, and priest, but as well of religious superior, school teacher, and parent, always in proper proportion of degree, of course, and with due reference to the primacy of official positions in the graded organization of the Church. Of all these we can say in the same breath and with unequivocal truth: exercise of the authority of Christ is a serving of souls in the ministration of Christ. Does not the Pope call himself the Servant of the Servants of God, and did not Christ tell us plainly that He did not come to be ministered unto but to minister?

In every exercise of the authority of Christ, the whole aim is to bring souls ever closer into the oneness of Christ. In this ministration, Christ acts through human persons, as the one Mediator between God and man. The human person or action counts as nothing in such ministration; it must lose itself in Christ and become as if it were not. "There can be no human mediators," writes Karl Adam, "as Augustine remarked against the Donatists. Christ is the sole worker." In commenting on the words of Christ about His having come to minister and not to be ministered unto, the same author and theologian goes on to say:

> In these words Jesus discards for His disciples that absolute power, that domination, which was exercised by contemporary rulers, especially by the Hellenistic princes. The mark of the disciple of Jesus is to be service, and not brutal domination. In God's Kingdom there is to be no "lording it over them" and no "letting them feel one's power," but loving ministry and ministering love. The words themselves make it plain enough that the Master is not excluding all authority and all power from His society, but only that power which is essentially brutal and domineering. This meaning of our Lord's words is brought out still more clearly by the evangelist Luke (22:24), who gives Mark's logion in the form: "He that is the greater among you, let him become as the younger: and he that is the leader as he that serveth." By those words Jesus makes it perfectly clear that there shall be a "greater" among His disciples, and that there shall be those who are "leaders." So that his recommendation of brotherly humility and love is not directed against the principle of authority in itself, but against the egotistical misuse of this principle.[8]

[8] *The Spirit of Catholicism*, pp. 41-42.

All authority exercised in the name of Christ must lead to God and away from self. All authority must be exercised in a selfless way, else it cannot lead to unity in Christ. Wherever personal motives on the part of those exercising authority inject themselves, there is disruption of the unity of Christ. No matter how subtly such motives insinuate themselves, be it under the guise of disrespect to authority or of abuse of confidence, or be it more openly a wounded pride or personal disappointment, sometimes envy and ill-temper, in all such instances the exercise of authority stops at the person of the superior; it is not an exercise of mediatorship of Christ but a stopgap between souls and God, a disruption of oneness in Christ. This is true regardless of whether the action be that of the parent, of teacher, lay or religious, or that of priest or even bishop. Authority must indeed at times be severe; but never uncharitable or selfish, or "personal".

Many are the ways in which we may fail of being one in Christ; and many are the facets of human weakness in human nature as long as men are on earth. No one made greater allowance for mere human frailty than Christ Himself. It will not of itself disturb the unity in Christ. That unity is broken only by uncharity, by perverted love of self. Where this is exercised, mere human weakness has developed into perversion of will or service of self. *That* it is which hinders the work of Church instead of furthering it, and prevents the growth of the unity of souls in Christ.

An unsympathetic reader may object that even the Apostles and disciples had their petty disagreements: there were incompatible temperaments even among them. True enough. But there was no perverse will among them. Where they found it necessary, they agreed to go each his own way. They did this in order that the work of Christ might not suffer from personal incompatibilities. Nothing—least of all their own personal notions and twists of temperament—was allowed to stand in the way of Christ's work. Nowhere do we read that, for all their differences, was there ever any petty disparagement or jealousy among them in regard to their work in the ministration of Christ to souls. They rose above all pettiness, to be truly one in Christ.

Only by imitating the example of the Apostles, and rising above all personal considerations, can we become worthy instruments of Christ in this world. It is by "doing the truth in charity," says St. Paul, that "we may in all things grow up in him who is the head, even Christ: From whom the whole body, being compacted and fitly joined together, *by what every joint supplieth, according to the operation in the measure of every part,* maketh increase of the body, unto the edifying of itself in charity." [9]

In the grand work of achieving ever greater unity in Christ, every member has his God-given part to play, each one according to the measure of his calling. In regard to this work, either he will attain the peace of Christ that is promised to men of good will, or else he will be as a stone that is rejected by the Divine Builder as unfit "for the edifying of the body of Christ."—"It must needs be that scandals come: but nevertheless woe to that man by whom the scandal cometh." [10]

SACERDOS.

LEGAL STATUS OF STERILIZATION LAWS IN THE UNITED STATES.*

THE PRINCIPAL ISSUE involved when a court passes on the constitutionality of a compulsory sterilization law is, of course, whether the particular law under attack deprives the individual on whose behalf the question is raised, of the liberty guaranteed by the "due process" clause of the Fourteenth Amendment of the United States Constitution (or a similar guarantee under a state constitution); or whether, on the other hand, the law is justified as a valid exercise of the police power of the state.

The police power, or the power of every state, to pass reasonable laws for the health, safety, morals and general welfare of the public, has, as a result of the increasing complexity of

[9] Eph. 4: 15-16.

[10] Matth. 18: 7.

*This article was originally in the form of a paper read to the Guild of SS. Luke, Cosmas and Damian, a club of physicians in Philadelphia, at a meeting of which papers were also presented on the ethical and medical aspects of sterilization laws. The article is accordingly restricted in its scope to a discussion of law, the intention being in the main simply to give a general review of the court decisions, with such passing considerations as bear on the legal status.

society, been expanded in recent years to cover a vast range of matters affecting individual rights. The metes and bounds of this legislative power are only marked by occasional judicial decisions holding particular laws unconstitutional. The decisions usually apply only to particular situations, and the constitutionality of subsequent laws can often only be determined by fresh decisions. Again, the application to new situations of principles previously laid down by courts may depend upon the interpretation placed by different judges upon facts gathered from opinion evidence and technical reports, and upon the acceptance of social theories, and their attitude toward such is, of course, bound to be influenced in many cases by general ethical principles. And so, in view of the wide diversity of opinion and theory on such matters, the field of "social legislation" is not only rapidly expanding, but it is necessarily shifting and uncertain.

Then, too, the concessions of individual rights demanded by legislative enactment for the welfare of society have been greatly increased of late by the growing view that, instead of society being the aggregate of individuals and deriving its collective rights from them, it is something supreme in itself, preceding the individual in the order of right. However, the rights heretofore conceded have been mostly those relating to property and to engaging in certain kinds of business or occupations, rather than to the purely personal right to liberty, which latter has been so carefully guarded in this country and in England back as far as Magna Charta. The Fourteenth Amendment to the United States Constitution provides, "Nor shall any state deprive any person of life, liberty or property without due process of law." "Liberty means more than freedom from servitude, and the constitutional guarantee is an assurance that the citizen shall be protected in the right to use his powers of mind and body in any lawful calling." (Mr. Justice Lamar, of the Supreme Court of the United States, in Smith *vs.* Texas, 233 U. S. 630.)

It was, then, a startling decision when the Supreme Court of the United States on 2 May, 1927, upheld the constitutionality (as within the "police power") of a law of Virginia in the leading case of Buck *vs.* Bell, 274 U. S. 200, 47 S. C. 580, authorizing compulsory sterilization of mental defectives for

eugenic purposes. The decision was novel and passed beyond the bounds of any precedent in that:

1. It sustained legislative encroachment upon a purely personal right of liberty in requiring involuntary submission to a surgical operation depriving one of a natural function; and,

2. The legislation did not purport to be in the present interest of the public welfare, but was only claimed to benefit it indirectly by the elimination of future human beings who might become a charge upon the public in time to come.

Carrie Buck was an inmate of the State Colony for Epileptics and Feeble-minded. At the time of the trial of her case she was eighteen years old. She was the daughter of a feeble-minded mother in the same institution and the mother of an illegitimate feeble-minded child.

The law of Virginia, approved 20 March, 1924, recites that the health of the patient and the welfare of society may be promoted in certain cases by the sterilization of mental defectives; that the sterilization may be effected by vasectomy and salpingectomy without serious pain or danger; that the commonwealth is supporting in institutions many defective persons who if discharged now would become a menace, but if incapable of procreating might be discharged with safety and become self-supporting; and that experience has shown that heredity plays an important part in the transmission of insanity, imbecility, epilepsy and feeble-mindedness. It then provides that, when the superintendent of certain institutions should be of the opinion that it is for the best interests of the patient and of society that an inmate be sterilized, he may have the operation of vasectomy or salpingectomy performed upon the patient afflicted with hereditary forms of insanity that are recurrent, imbecility, idiocy, feeble-mindedness or epilepsy, on complying with provisions protecting the patient. The superintendent first presents a petition to the special board of directors of the hospital, stating the facts and the grounds for his opinion, verified by affidavit. Notice of the time and place of hearing is served on the inmate and his guardian; or, if there is no guardian, the superintendent is to apply to the Circuit Court to appoint one. If the inmate is a minor, notice is given to his parents, if any, with a copy of the petition. The inmate is permitted to attend the hearings. The evidence is reduced to

writing and an appeal may be taken to the Circuit Court. The Circuit Court may consider the record and the evidence taken before the board and such other evidence as offered, and may affirm or reverse or revise the order of the board. An appeal may be taken on behalf of the patient to the Supreme Court of Appeals of Virginia, which hears the case upon the record of the trial in the Circuit Court. The act was fully complied with in this case. An order was entered for the operation, which order was affirmed by the Circuit Court and the Supreme Court of Appeals of Virginia.

Mr. Justice Holmes sustained the constitutionality of the act in a brief opinion. Holmes has written many opinions—brilliant, pithy, original and progressive. He has, of course, been most liberal in sustaining the right of State Legislatures to legislate in the interest of public welfare. At times his opinions have startled the legal profession by their bold incisiveness and by the omission of the details of the logical processes that may have aided in the formation of his conclusions. Certainly his opinion in the present case is disappointing. Sustaining this new form of legislation would seem to have called for a careful discussion of the law and the arguments adduced from the medical and sociological sciences involved.

There is no discussion of the evidence showing that Carrie Buck was the probable potential parent of socially inadequate offspring, and the opinion of the Supreme Court of Appeals of Virginia, reported in 143 Va. 310, simply indicates that there was such evidence. The question of substantive law is disposed of by Mr. Justice Holmes in about five short sentences.

> We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who have already sapped the strength of the state for these lesser sacrifices, often not felt to be such by those concerned, in order to prevent our being swamped with incompetents.

The analogy is remote. The country does not kill or mutilate its citizens who fight for it in time of war. The enemy does this. The country is only justified in sending its citizens into danger in order to avert a pressing threat upon the safety of the citizens,—certainly not for the purifying of the national blood stream by the elimination of the unfit. Furthermore,

the alarm at the danger of being swamped with incompetents cannot be founded upon the record in the Virginia Court or upon any facts so far proven; and even if it were a reasonable alarm, it has not been demonstrated that segregation is not an adequate remedy.

It is better for all the world if, instead of waiting to execute degenerate offspring for crime or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind.

The language is energetic but it assumes a missing premise as it was not nor could it be shown that the alternative for operating on imbeciles is their starvation.

The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes." (Jacobson *v.* Mass, 197 U. S. 11.)

The analogy fails. In the vaccination case the individual is not deprived of a natural power. Further, the vaccination is for the immediate protection of the health of the individual and of the community. The operation in question on the other hand, involves an abdominal incision and deprives the individual of a natural power and for the supposed benefit of future society alone.

Finally, he says: "Three generations of imbeciles are enough," apparently assuming in this very brief expression that by sustaining the Virginia statute the whole social problem of imbecility is to be eliminated. The eugenists themselves apparently now claim only relatively slight change in the number of imbeciles, even if sterilization laws were universally adopted.

The argument that the statute was class legislation was disposed of by pointing out that, while its application was confined to the inmates of the institution, it nevertheless aimed at equality, since the discharge of patients operated upon opened the asylum to others.

Mr. Justice Pierce Butler dissented, although it is regrettable that he did not take the opportunity to state the opposing arguments in a dissenting opinion.

There have been some appellate court cases following Buck *v.* Bell.

State *v.* Schaffer, decided by the Supreme Court of Kansas, 6 October 1928, 126 Kan. 607, 270 Pac. 604, upheld the

statute of Kansas in an opinion by Burch, J., which adds nothing to juridical science and seems to mark the passing of another constitutional safeguard. The statute differs from the Virginia statute in that there is *no provision for appeal* from the findings and order of the examining board of state institutions and it seems to permit more drastic operations. The examining board is composed of the chief medical office and the governing board of the institution, and the Secretary of the State Board of Health. If the board finds that the mental or physical condition of an inmate would be improved or that procreation by such inmate would be likely to result in defective or feeble-minded children with criminal tendencies, and that the condition of such inmate is not likely to improve so as to make procreation by such person desirable or beneficial to the state, it shall be lawful to perform operations of vasectomy or asexualization upon males and salpingectomy or oophorectomy upon females. Thirty days' written notice must be served upon the inmate, or the guardian if there is one, of the time and place of hearing, and the inmate shall have the right to be represented by counsel and to introduce evidence. There is no provision in the act for the appointment of a guardian if there is none, nor any mention of parents.

The Court disposes of the argument that there is not due process of law as to procedure as follows: "The legislature provided a tribunal eminently competent to deal with the peculiar interests involved, and the proceeding is adapted to the nature of the subject."

This delegation of final quasi-judicial powers to a non-judicial body invites a comparison with the extreme care with which the Supreme Court of the United States has preserved to public utility companies the right to a judicial determination of the law and the facts where the due-process clause of the Fourteenth Amendment is invoked in protection of property rights (Ohio Valley Water Co. *v.* Ben Avon Borough, 253 U. S. 287). In fact in Buck *v.* Bell Mr. Justice Holmes stresses the provisions for an appeal to the courts.

The decision is a shocking one and should be a distinct warning of the extremes to which eugenic theories may be pushed.

The Utah law, adopted in 1925 and amended in 1929, was

reviewed in Davis *v.* Walton, Supreme Court of Utah, 74 Utah 80, 276 Pac. 921, 9 April, 1929. This law provided for the sterilization of persons affected with habitual sexual criminal tendencies, insanity, idiocy, imbecility, feeble-mindedness and epilepsy. The procedure is similar to that provided in the Virginia law, with an appeal to the Circuit Court and thence to the Supreme Court of the State, and it is provided that if it be found that the person is by the law of heredity the probable potential parent of socially inadequate offspring likewise afflicted and his welfare will be promoted thereby, the operation of vasectomy or asexualization may be performed. A petition was filed against Walton, a negro, who was serving a sentence for robbery. He had a record of many degrading crimes. The law was upheld as constitutional under the authority of Buck *v.* Bell, but it was held that the record did not show that by the law of heredity Walton was the probable potential parent of socially inadequate offspring or that his welfare would be promoted by the operation. As to the argument that this was cruel and unusual punishment it was pointed out, as in Buck *v.* Bell, that the act was not a penal statute.

In Board of Eugenics *v.* Troutman, 50 Idaho 673, 299 Pac. 668, (1931), the Idaho sterilization statute was upheld. Troutman was feeble-minded, so were his mother, father, five brothers and six sisters. His mother's sister was the mother of seven children, three of whom were feeble-minded. One of these children was the mother of ten more, all of whom were in various children's homes and were defective.

The Idaho statute of 1925, as amended in 1929, provided for a state board of eugenics to make inquiries into hereditary degeneracy and to initiate proceedings for the sterilization of feeble-minded, insane, epileptics, habitual criminals and degenerates. An appeal was provided to the District Court and the Supreme Court of the State. An order for operation was issued and an appeal taken to the District Court and to the Supreme Court, where the order was sustained. The statute was upheld on the authority of Buck *v.* Bell, and Davis *v.* Walton. The court held that the evidence was clear and convincing as to the imbecility of the appellant and the hereditary character of his ailment.

In re Main, 162 Okl. 165, 19 Pac. (2d) 153, 14 February,

1933, the Supreme Court of Oklahoma upheld a statute substantially the same as the Virginia statute. In discussing due process the court seems to attach importance to the right of appeal to a judicial tribunal. "Such powers (the exercise of which involves to some extent the exercise of judgment), may be bestowed for the primary application upon administrative officers."

The Supreme Court of Nebraska upheld the statute of that state providing for sterilization of feeble-minded as a condition for parole from a state institution in the case of Clayton *vs.* Board of Examiners, 11 February, 1931, 120 Neb. 680, 234 N. W. 630. The court was apparently moved by the surgeon's testimony that vasectomy was a minor operation and that by a future operation the patient could be rendered as potent as before.

The Supreme Court of North Carolina distinguished the sterilization law of that state from the Virginia law, in that it failed to provide for notice to, and hearing of, the person whose sterilization is proposed, and for that reason held the law unconstitutional. Brew *vs.* Valk, February 8, 1933, 204 N. C. 186, 167 S. E. 638.

A comprehensive analysis of the laws in the different States is set forth in the appendices to *Human Sterilization* by J. H. Landman, (1932), which shows that on 1 January 1932, twenty-seven states had valid sterilization laws.

They are as follows: Alabama, Arizona, California, Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, South Dakota, Utah, Vermont, Virginia, North Carolina, North Dakota, Oklahoma, Oregon, Washington, West Virginia, Wisconsin.

It appears that in twenty of these states the law is compulsory. Some few statutes provide for counsel for the inmate at State expense if he has no money. Dr. Landman says that, at that time there had been sixteen litigated cases in twelve different states in which the constitutionality of the statutes had been challenged. Michigan had three law suits. The first statute was declared unconstitutional, while the second was upheld and this was sustained in the higher court.

The Virginia statute was challenged three times, but its con-

stitutionality was upheld. A New York statute was litigated twice and held unconstitutional. The Supreme Court of the United States and eight State courts had upheld sterilization statutes. In the eight cases where the statutes were held unconstitutional, the reasons were a denial of due process of law in some cases and class legislation in others. A penal statute was held unconstitutional as imposing cruel and unusual punishment in two cases.

It appears from Dr. Landman's analysis that the valid statutes are nearly all eugenic and therapeutic. A California statute appears to be the only valid one having punitive features and the analysis indicates that there was no purely punitive statute in effect.

According to Dr. Landman's analysis, punishment for illegal sterilization is in effect in Indiana, Connecticut, Iowa, New York, Kansas, Michigan, Montana, and Utah. It is a felony in Utah and in the others it involves from $100, usually $1,000, fine and a half-year to five years' imprisonment.

In regard to cases relating to sterilization as a punishment, the Washington law was sustained in 1912 as not being cruel punishment, and the opinion would indicate that only such punishment as drawing and quartering, burning, etc., would be considered cruel within the meaning of the Washington constitution (State *v.* Fielen, 70 Wash. 675).

The contrary opinion was held in an Iowa case, Davis *v.* Beery, 216 Fed. 415 (1914).

In Mickle *v.* Henrichs, 262 Fed. 687 (1918), a sterilization statute was held to be cruel and unusual punishment in violation of the Nevada constitution. The Washington case was distinguished in that the Washington Constitution only forbade cruel punishment, whereas Nevada forbade cruel and unusual punishment.

The probability is that penal statutes would not be held unconstitutional by most courts as involving cruel and unusual punishment if the operation were restricted to vasectomy and salpingectomy. It has been well remarked, however, that the operation is probably of no value as a punishment, as indeed a sexual criminal would be encouraged rather than discouraged in his criminal practices by the knowledge that he was secure from the responsibilities and inconvenience of offspring.

Pennsylvania was the first State to introduce a law permitting sterilization and this was vetoed by Governor Pennypacker in 1905. Another law was introduced in 1921 and vetoed by Governor Sproule. Attempts have been made at each succeeding session of the legislature since that time, the last being Senate Bill No. 681, introduced by Senator Aron, 20 March, 1933. This bill was referred to the Committee on Public Health and Sanitation, where it remained.

The question of the legal and criminal liability of a surgeon for performing a sterilization operation in the absence of a statute permitting it is discussed in an article by Justin Miller and Gordon Dean in the *American Bar Association Journal* for March, 1930. The opinion there expressed is, if death resulted from a sterilization operation without justification or excuse, the perpetrator would be guilty of homicide, varying in degree according to the malice and intent in his mind at the time. Factors affecting the degree of guilt might be the presence of gross negligence, general criminal intent, the fact of being engaged in the commission of another felony, etc. The consent of the patient would not be a defense.

The opinion is expressed in the article referred to, that (aside from the contingency of death) if the operation were performed without the patient's consent or the person were incapable of giving legal consent, it would be a criminal assault. As to civil liability, it is believed that in the absence of a statute forbidding the operation, the consent of a patient *sui juris* would be a bar to any civil action. The article does not discuss the question whether the consent of a guardian of a feeble-minded person would bar a civil action against the surgeon.

In Pennsylvania, where there is neither statute nor decision on the question, common law principles would indicate the following as a fair statement:

Sterilization without consent would be an assault, and would subject the surgeon to criminal prosecution and to a suit for damages. If the party were *sui juris,* it would appear that consent would be a bar to a civil action; but the criminal liability of the surgeon is not clear.

Where the person is feeble-minded, it is difficult to see how the consent of parents or legal guardian would be a protection to the surgeon in regard to either civil or criminal liability,

and it may be that the guardian also would be subjected to such.

Of course, the above statement relates to eugenic operations. A therapeutic operation (i. e., where necessary for the life or health of the patient) would apparently be lawful if the consent of a person *sui juris* or of the legal guardian (and parents, if a minor) were obtained.

In the *Medical Searchlight* for March, 1934, it is stated that up to 1 January of 1933, sterilization operations had been performed on 16,066 persons in the United States. Outside of this country, Germany, Denmark, the Canton of Baud, Switzerland, and the Province of Alberta have eugenic sterilization laws. Movements have also been started in England, Western Australia, Norway, Sweden and Finland.

It would appear in view of the trend of legislation that the enactment of more sterilization laws will follow, and in so far as they conform to the general plan of the Virginia law, it is likely that they would be declared constitutional. The opposition to them must be made before they emerge from the legislatures in the form of laws. In so far as future laws contain more extreme provisions than the Virginia law (such as the Kansas law mentioned above), they would probably be held unconstitutional by the Supreme Court of the United States. Indeed, it may even be hoped that that Court will in time alter its views and hold that the right of an individual to the integrity of the body is not to be sacrificed to the theories of the eugenists.

JOHN B. GEST

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FACULTIES OF CONFESSOR IN CASE OF DANGER OF DEATH.

Qu. In referring to the Rev. James Kelly's article in the September, 1931, number of THE ECCLESIASTICAL REVIEW, "Faculties of Absolving and Dispensing in Danger of Death," I found a statement hard to reconcile with the canons. Fr. Kelly mentions on page 261 that, since canon 2254 § 3 grants faculties to the confessor to excuse the penitent from having recourse to the competent superior, if this is morally impossible, then, *a fortiori,* he should be permitted to dispense in the urgency of danger of death. The same reason, he says, exists in both cases. He then refers to canon 20, which allows extension of laws to similar cases. But isn't there an essential differ-

ence between canon 2254 and canon 2252? Canon 2252 very clearly states that, if a person was absolved from a censure *ab homine,* he must recur to him who inflicted the censure and, if absolved from a censure *a jure,* to the Sacred Penitentiary, or bishop, or other person having the faculty. Canon 2254 § 1, however, clearly states that it is concerned only with *censurae latae sententiae.* Accordingly, the *a fortiori* of Fr. Kelly would hold for a censure reserved *specialissimo modo* to the Holy See (for this is *a jure*), but not for an *ab homine* censure.

Perhaps Fr. Kelly realized this distinction between *censurae latae sententiae* and *censura ab homine,* but wished to lay stress on the moral impossibility of recourse in both cases. Would the conclusion, then, that "ad impossibile nemo tenetur," excuse the penitent from recourse, spoken of in canon 2252, even from an *ab homine* censure?

Resp. Perhaps it is more correct to state, as does our correspondent, "that the *a fortiori* would hold for a censure reserved *specialissimo modo,*" (with the exception noted in canon 2254 and in the footnote of the article referred to), "for this is *a jure,* but not for an *ab homine* censure". Perhaps this is more correct, for in the case of an *ab homine* censure the argument is *a pari* rather than *a fortiori.* Nevertheless, the conclusion remains the same in our opinion, namely, that if a confessor absolves from an *ab homine* censure in danger of death, in virtue of canon 882, and he foresees that it will be morally impossible for the penitent to make the recourse (within a month) after he recuperates, he may excuse the penitent from the obligation, but, of course, impose the congruous penance and salutary satisfaction required by the law. However, it must be remembered, as was brought out in the article in the September, 1931, issue, that absolution from any censure given in danger of death in virtue of the power received from canon 882, is limited to the internal forum and cannot be extended to the external forum.[1] Therefore this lifting of the censure has its effect only *coram Deo* and is not recognized *coram Ecclesia.* Therefore, if the *ab homine* censure is such, as it very well might be, that the penitent's superiors demand that he remain under the censure *in foro externo* until he has been absolved in that forum, then, if he survives the danger of death, not only is he still obliged *in foro externo* to make the recourse to the one inflicting the censure in the external forum, but he is even

[1] Pont. Comm. ad CC. auth. interpret., 28 Dec., 1927, *A. A. S.,* XX (1928), 61.

obliged to be absolved from the censure in the external forum. But even so, the removing of the censure and the burden of recourse in the internal forum has this effect, namely, if the censure is one which would impede the reception of the sacraments, and he has been absolved from the censure in the internal forum in danger of death, and excused from the obligation of recourse in that forum, then he may continue to receive the sacraments, provided no scandal be given, no matter how long he remains under the censure in the external forum, and he does not reincur the censure in the internal forum for not making the recourse. Moreover, if his superiors in the external forum, or the one inflicting the censure in that forum, do not explicitly demand that he remain under the censure in that forum until he receives absolution in the external forum, then, having been absolved in danger of death in the internal forum and excused from the recourse, he may comport himself as absolved from the censure and not bother further about the recourse.[2]

It must be remembered that all censures, but especially censures *ab homine,* are essentially and primarily penalties of the external forum. When absolution is given in the internal forum, difficulties due to the conflicting fora are therefore bound to arise.[3]

The rather ambiguous concluding sentence used by our correspondent might bespeak an understanding of the question of a dispensation from the obligation of making recourse that is different from ours. The axiom, " nemo tenetur ad impossibile," is an axiom of the natural law; so that as long as the impossibility exists, the penitent is excused by the natural law (not canon law) from the obligation of recourse. But this obligation revives when the impossibility ceases. However, canon law gives the confessor the additional faculty of dispensing from the obligation of recourse, once and for all, when he foresees that it will be morally impossible for the penitent to make the recourse (within a month); in the case of danger of death, within a month after recovery. The obligation of making recourse in this case does not revive after the impossibility ceases; for a dispensation from this obligation has been granted *hic et nunc* at the time absolution from the censure has been given, and the obligation thereafter never revives.

[2] Canon 2251; Roberti in *Apollinaris,* I (1928), 103.

[3] Chelodi, *Jus Poenale,* nn. 34-35; Cappello, *De Censuris,* n. 117; Cerato, *Censurae Vigentes,* nn. 23-24, 29.

NECESSITY OF CITING PARTIES IN PROCESS OF CANON 1990.

Qu. Would you be so kind as to help us solve the following difficulties, which are in no way related to regular canonical trials, but arise out of the procedure required by canon 1990:

1. Does "citatis partibus" of canon 1990 oblige in all cases for validity of sentence?

2. What must be done when the *whereabouts* of one of the parties in a matrimonial case is *unknown?* We know that the Code speaks of a "citatio edictalis" in such cases, but so far we have not seen such a citation in diocesan organs in the United States. As far as you know what is the practice of the matrimonial courts of the United States in these instances?

3. Can the Ordinary dispense from the "citatio", either ordinary or "edictalis", under the power vested in him by canon 81?

4. If the "citatio" be necessary for the validity of the sentence in a case arising from canon 1990, may not an *exception* be made for the *pars conventa* who has already given the court sworn statements certifying to the fact, e. g. that he was never baptized? The *pars conventa* knows already about the case, and if he is cited, he may naturally be somewhat irritated.

5. The canon law on citations makes it incumbent on the parties to appear personally before the court on a day and hour specified. Does it not seem unreasonable to cite a party who lives a thousand miles away?

6. When a party to a case lives in another diocese, must the requisite "citatio" be served on him personally at his address, or through the Ordinary or his court?

Resp. 1. If it were certain that this process is really a summary canonical trial, it would be necessary to consider the citation of the parties necessary for the validity of the "sentence".[1] But the recent trend of canonical study is turning to the view that the process outlined in 1990 is rather administrative.[2] Then it would not be so certain that failure to cite the parties would invalidate the Ordinary's declaration.

[1] Noval, *Commentarium Codicis Iuris Canonici, Liber IV: De Processibus*, Pars I: *De Iudiciis*, (Turin: Marietti, 1920), n. 873; P. Maroto, "Responsa a proposita dubia, 16 Julii 1931, IV, De Declaratione nullitatis Matrimonii", *Apollinaris*, IV (1931), 379-380; "153um Responsum De Declaratione Nullitatis Matrimonii", *Jus Pontificium*, XI (1931), 255; J. Kinane, "The Necessity for Citation when a Marriage is Declared Invalid on Account of the Impediment of Disparity of Worship", *Irish Ecclesiastical Record*, XXVIII (1926), 527-529.

[2] Cf. "Competence of Ordinary in Case under Canon 1990", ECCLESIASTICAL REVIEW, LXXXVI (1932), 68-73.

However, whether or not the neglect to cite the parties would invalidate the Ordinary's declaration, it is certainly unlawful to omit the citation of the parties.

2. This question indicates the procedure in the circumstances described. A formula of citation by edict might be drawn from the "citationes edictales" appearing in the *Acta Apostolicae Sedis.*[3]

3. Canon 81 empowers the Ordinary to dispense from general laws of the Church in individual instances, provided the three following conditions are fulfilled: (a) that recourse to the Holy See be difficult; but it may well be asked whether this difficulty exists in such cases; but even granted that it does, it is further required (b) that there be *periculum in mora;* as a rule there will be no danger in a little longer delay; but it is above all important that the third condition is certainly not verified, namely (c) that it be a dispensation which the Holy See is wont to grant. One or the other dispensation will not suffice to establish such procedure which might be for particular instances only and certainly there is no evidence that the Holy See follows the practice of dispensing from the citation of the parties. The opposite course rather appears to be the case. Ordinaries cannot then validly dispense from the rule requiring the citation of the parties.

4. Even if the *pars conventa* has given affidavits in the case, it will still be necessary to cite him, in order that he may have the opportunity to make objections to the testimony introduced by the plaintiff. The mere fact that "the *pars conventa* knows already about the case" is not sufficient. The citation is not meant merely to bring the more or less agreeable news of the "suit" for declaration of nullity of the marriage to his knowledge: it is intended to invite and enable him to oppose the declaration by arguments against the evidence introduced by the other party. That he might be "somewhat irritated" is not sufficient reason for not summoning him. The prudent draft of the citation will anticipate any irritation of this nature.

5. It is not correct to say that the citation of the parties makes it incumbent upon them to appear *personally* before the

[3] E. g. "Sacra Romana Rota, Citationes edictales", *Acta Ap. Sedis,* XXV (1933), 49-50. Of course, care must be taken in wording the citation so that no conflict with civil law arises.

court. A cursory reading of the citations issued by the Roman Rota and referred to above shows that they may authorize a proxy to appear in their stead. Therefore a long distance from the court means nothing in these circumstances.

6. If the citation is made by registered mail with a demand for a return receipt,[4] it can proceed directly from the curia in charge of the investigation. If it is made by a *cursor*, canon 1717 § 2 permits that they go into another diocese to serve the summons; but it also implies that the curia of the latter diocese may be asked to attend to the matter.

VALENTINE T. SCHAAF, O.F.M.

ARCHCONFRATERNITY: CHANGE OF SEAT; AGGREGATION.

Qu. An archconfraternity had been duly erected by the Holy See in the chapel of a certain convent. Owing to certain circumstances this convent and its chapel at the former site were entirely abandoned and a new convent and chapel were built on another site, but in the same city. The following questions arise:

1. Was the status of the archconfraternity affected by the change of location and the erection of the new chapel?

2. May the indulgences be gained by visiting the new shrine without obtaining a new grant from the Holy See?

3. If confraternities under the same title as this archconfraternity are erected in chapels of Sisters in other dioceses with the approval of their respective Ordinaries, may they then be aggregated to this archconfraternity, notwithstanding the prohibitions of canon 712 § 3 and canon 721 § 1? Or must this prohibition be considered as referring to "pious unions" or "sodalities" and not to "confraternities" in the strict sense of the word?

Resp. At first sight one might be tempted to conclude that in virtue of canon 724 the transfer of the archconfraternity from the chapel in which it was originally established to the new chapel could be authorized only by the Holy See. But this does not appear to be the sense of canon 724. It does not seem that the transfer from one material structure to another in the same district is reserved to the Holy See. In a similar case canonists almost unanimously maintain that, if

[4] Canon 1719. In this case the registered letter might best be made deliverable only to addressee, to the exclusion of any agent.

the necessary permission of the Holy See and of the local Ordinary has been obtained for the establishment of a religious house according to canon 497 § 1, no new permission either of the Holy See or of the local Ordinary is required to reërect the religious house on another site within the same city, unless the original site was so particularly determined in the earlier permission as to exclude even the slightest change of location.[1] By the same token it seems that an archconfraternity can be transferred from one material structure to another within the same district, provided the new chapel replaced the older one for the same community and retains the same title. Therefore if, e. g. the Convent of St. Joseph is rebuilt on a new site in another part of the same city, the archconfraternity canonically erected in the chapel of the abandoned convent would seem to continue its existence in the new building.

It would be different if the new chapel were not morally and juridically the same as the old; for example, if the archconfraternity had been originally erected in the chapel of one religious congregation, it could not be transferred to the chapel of another congregation, without permission of the Holy See. Furthermore, the permission of the Holy See would be necessary to transfer the archconfraternity from the chapel of one convent of a religious congregation to the chapel of another convent of the same congregation.

2. As a consequence it follows that in the circumstances mentioned by our inquirer the indulgences of the archconfraternity continue in force in its new location.

3. The mere fact that the association is an "archconfraternity" does not empower it to aggregate other confraternities even of the same title and much less of other titles. Special concession by the Holy See is necessary. Sometimes this concession is contained in the original erection of the archconfraternity by the Holy See.[2] Therefore our inquirer will have to consult the papal grants regarding the archconfraternity, and only if the Holy See has empowered it to aggregate other confraternities can it be done.

[1] Cf., e. g., T. Schaefer, *De Religiosis*, (2. ed., Münster i.W.: Aschendorff, 1931), p. 138-139.

[2] Canon 721. Cf. Beringer, *Die Ablässe*, (15. ed., Paderborn: Schöningh, 1922), I, n. 119-120.

We fail to understand why our inquirer refers to canon 712 § 3 which has no connexion with the question of *aggregation* of a confraternity, etc., to an archconfraternity, etc. It rather limits the membership of "confraternities" as well as of other "pious unions" in sisters' chapels, to women.

VALENTINE T. SCHAAF, O.F.M.

VIGIL LIGHTS FORBIDDEN IN ROME.

Qu. Have vigil lights and votive candles been forbidden for the city of Rome recently? If so, why?

Resp. It is true that Cardinal Marchetti-Salvaggiani, Cardinal Vicar of the See of Rome, has forbidden "votive candles" to be burned before altars and statues in churches of that see. It is worthy of note that His Eminence speaks of "wax tapers". How much more severely would he not condemn the American "vigil lights" made of anything but wax? The reasons he assigns are so apposite and so fully answer our inquirer's question that we cannot do better than reproduce the decree as it appeared in the *Register* (Denver), issue of 17 July, 1932:

> The custom in many churches of placing at the disposal of the public wax tapers known as votive candles, to be lighted before statues and sacred pictures in exchange for money offerings by the faithful, is open to serious objections. It might easily become what appears to be a superstitious usage, besides giving the impression that it is permitted for the sake of the money which it brings in.
>
> Moreover, the practice detracts from the decorum and cleanliness of sacred buildings, bespatters the floor, impregnates the hangings with smoke and consumes good air.
>
> The practice must, therefore, cease. The candle-stands are to be removed, even though they are of intrinsic or of artistic value. No tapers or candles may be sold in churches, oratories, sacristies and porches, or in adjacent buildings.
>
> The reasons for this prohibition are to be explained to the faithful by the clergy, who will also remind them that a single Mass, heard with piety, and a single Communion devoutly received will bring down more heavenly blessings and favors than thousands of candles burned for days on end. Those who still wish to offer them should purchase candles of regulation beeswax, and leave them in the sacristy to be burned on the altar in accordance with the liturgy.

VALENTINE T. SCHAAF, O.F.M.

IS "SECRET" IN CANON 1045 § 3 CONFESSIONAL OR PROFESSIONAL?

Qu. Does the word *secreti* in canon 1045 § 3 refer to the seal of confession only or also to the professional secret?

Resp. Authors are agreed that the faculty to dispense from matrimonial impediments granted by canon 1045 § 3 to pastors, to priests who assist at marriages in the circumstances laid down in canon 1098 and to confessors, may be used not only when the request for a dispensation from the Holy See or the local Ordinary would entail danger of violating the seal of confession; but also when the petition would expose the priest to the danger of violating a "professional" secret or also a *secretum commissum* or only a natural secret. The mere fact that seeking a dispensation from the Ordinary would bring to him the knowledge that the parties are bound by an occult impediment, will not ordinarily excuse from asking him for the dispensation. But where there is a special reason for keeping the knowledge even from him priests can dispense in virtue of canon 1045 § 3. This is especially true if the parties themselves object to an occult impediment being brought to his notice.

Much more readily can these priests dispense when the delay caused by addressing the Ordinary would be apt to spread knowledge of the occult impediment, even among a small number of persons. The same is true if the mere fact that he has been approached for the dispensation might reveal the impediment. But in this case it will usually be necessary to record the dispensation, since it is as a rule granted *pro foro interno extrasacramentali.* This record must not, however, be made in the usual matrimonial register of the parish, but in a secret register always kept in the episcopal curia and sometimes in the parish archives also. Of course when the confessor dispenses *in foro sacramentali,* the seal of confession forbids even this recording of the dispensation in the secret archives.[1]

VALENTINE T. SCHAAF, O.F.M.

[1] F. M. Cappello, *De Sacramentis,* vol. III: *De Matrimonio,* (Turin: Marietti, 1923), n. 236-240; G. Payen, *De Matrimonio:* (Zi-ka-wei: Typographia T'ou-sè-wè, 1929), I, n. 669-670; J. Garcia F. Bayon, *De Sacramento Matrimonii,* (Madrid: Editorial del C. de Maria), n. 650-653; F. Triebs, *Praktisches Handbuch des geltenden Kanonischen Eherechts,* (Breslau: Schlesische Volkszeitung, 1925), p. 178-181; L. Nau, *Manual on the Marriage Laws of the Code of Canon Law,* (New York: Pustet, 1933), p. 58-61.

EX-RELIGIOUS AS CONFESSOR OF RELIGIOUS.

Qu. An ex-religious is pastor of a parish. In the wide open spaces of this diocese the nearest priest resides at so great a distance that it would be exacting to expect him to make the trip every week in order to hear the confessions of the sisters teaching in the school of that parish, as their ordinary confessor. Would a dispensation be necessary for the pastor, although an ex-religious, to be appointed their ordinary confessor? If the ex-religious has been honored by the Holy See with the title of Monsignor, would that remove the disability?

Resp. Canon 642 § 1 n. 3 forbids an ex-religious to hold any office, even in the wide sense (*officio vel munere*) in the religious houses of men or women. And canonists are agreed that this prohibition excludes them from the office of confessor of religious.[1] There are two possible solutions of the question as presented by our inquirer, according to the varying circumstances.

1. If the sisters go to confession, not in the chapel of their house, but in the parish church, there does not appear to be any necessity of assigning an ordinary confessor for them. For canon 520 § 1 ordains that an ordinary confessor be appointed for each *house* of sisters, and by implication it seems that this provision applies only to those houses in whose chapel the sisters' confessions are heard, but not in those cases where the sisters' confessions are heard in the parish church. This conclusion conforms to a declaration by the Sacred Congregation of Bishops and Regulars under date of 22 April, 1872.[2]

[1] Cf. T. Schäfer, *De Religiosis*, (2. ed., Münster i.W.: Aschendorff, 1931), p. 739.

[2] "3. In multis parochiis, praesertim ruralibus, adsunt duae vel tres et vix quatuor praedictorum Congregationum Sorores puellarum educationi inservientes. Porro illae Sorores, communiter sed extra clausuram degentes, non habent sacellum privatum, sed ecclesiam parochialem sicut caeteri frequentant, ibidem Missae et caeteris officiis adsistentes, sacramenta tum Poenitentiae tum Eucharistiae recipientes; illae insuper Sorores saepius de parochia in aliam transeunt secundum Superiorissae generalis voluntatem. Porro num in hisce circumstantiis applicanda sit iuris dispositio circa triennalem confessariorum mutationem, praesertim cum in hisce paroeciis unicus tantum adsit presbyter, nempe parochus: et, si applicanda sit, quomodo etiam intelligenda sit vox illa, *capitulariter?*

"R. Ad 2. Sorores de quibus agitur posse peragere extra piam propriam domum sacramentalem confessionem penes quemcumque confessarium ab Ordinario approbatum."—*Fontes*, n. 2000. Cf. J. P. Mothon, *Traité de la Confession Sacramentelle* (Paris: Desclée, De Brouwer et Cie, 1913), p. 95-96.

Since the Code does not introduce any change in this connexion, that declaration still applies.[3] And thus there will be no need for the appointment of an ordinary confessor for the sisters who can validly and lawfully confess to any priest (including the pastor who in the present case is an ex-religious) and receive absolution from him.

2. If, however, the sisters have a chapel in their house where they also go to confession, an ordinary confessor would have to be appointed for them. *Per se* the pastor in the present supposition could not as an ex-religious become their ordinary confessor. A dispensation from the Holy See could easily be obtained. But is it necessary? In view of the impossibility of providing another confessor it seems but reasonable to suppose that in so extreme a case the law could be considered as not binding; and the ex-religious could lawfully be appointed the ordinary confessor of the sisters teaching in the parish school.

Finally, the fact that an ex-religious has been honored by the Holy See and appointed a papal chamberlain or domestic prelate will not in any way change his status as an ex-religious and will not release him from the disabilities enumerated in canon 642.

VALENTINE T. SCHAAF, O.F.M.

[3] R. E. McCormick, *Confessors of Religious*, (Washington: Catholic University of America, 1926), p. 113-114.

Criticisms and Notes

CANON LAW. I. Introduction to the Study of Canon Law; II. History of the Sources of Canon Law; III. A Commentary on Book I of the Code. By the Most Reverend Archbishop Amleto Giovanni Cicognani, formerly Professor of Canon Law in the Pontifical Institute of Canon and Civil Law at S. Apollinare, Rome. Authorized English Version by the Rev. Joseph M. O'Hara, Ph.D., and the Rev. Francis Brennan, D.D., J.U.D. From the Latin Original as Revised and Enlarged by the Author. The Dolphin Press, 1722 Arch Street, Philadelphia. 1934. Pp. xvi+887.

A generation ago the average American priest regarded the study of Canon Law with a large measure of disdain. The primitive conditions that originally prevailed had made it expedient and even necessary for bishops and priests to act without due regard to the formalities of law. In addition, our country was exempt from the general law of the Church and was subject directly to the Congregation of the Propaganda. As frequently happens, the formalities continued to be ignored after the exigency had ceased. Canon Law was the Cinderella among seminary studies. A priest reputed to be a canonist was regarded with mingled awe and suspicion. The Church in America seemed to have lost sight of the vast structure of legislation reared through the centuries for the orderly direction of the faithful to their supernatural end.

Two things changed this attitude: the withdrawal of our country from Propaganda and the publication of the Code. We suddenly became conscious of universal Church law. The Code found a place in the library of every priest. Greater importance was attached to the study of Canon Law in our Seminaries. A School of Canon Law was established at the Catholic University, which made its influence felt throughout the country. A demand arose for manuals of Canon Law. In short, we revised our lowly estimate of Canon Law and began to accord it its proper place.

The book at hand is proof that this change of attitude is being recognized. Hitherto our literature has neglected the fundamentals in a hasty endeavor to seek immediately the practical application of law. As an instance of this, there comes in the mail to-day the notice of a book which reduces all Canon Law to the narrow confines of a "nutshell". Our progress in Canon Law will be measured by our familiarity with the fundamentals: the nature, the history, the sources

of law. No one who is not steeped in these elements is capable of interpreting or determining the force of a law.

The present work fills the need in English of a scholarly and reasoned presentation of the elementary knowledge necessary to the proper understanding of Canon Law. Every page discloses patient research and that sense of proportion which can be obtained only from a thorough acquaintance with the subject. It is not an elementary book on Canon Law; it is a *Summa* of all that should precede and accompany the study of the canons themselves. The list of canons cited indicates the wide range which is covered in the course of the work.

The first section, the Introduction, inquires into the nature and division of law, in general. The various theories on the origin of law are reviewed, and the Catholic teaching is clearly expounded. The sources of Canon Law, written and unwritten, are described, with a detailed consideration of the Roman Curia, and the points of contact between Canon Law and Civil Law.

The second section presents a comprehensive history of the sources of Canon Law. The supreme authority of the Roman Pontiff is demonstrated; the Councils are listed and summarized; the collections of law in the various nations are examined and their place in the history of Canon Law is determined. Disputed points are never overlooked, but are discussed with the poise and calm reserve of the scholar. The noted *Decretum* of Gratian is analized with an estimate of its influence on succeeding legislation. The author then discusses the vicissitudes of Canon Law as a separate branch of ecclesiastical study. He leads us through the Decretals, the assembling of the *Corpus Iuris Canonici,* through the works of the glossarists and commentators, with the sure tread of one familiar with the way. We thus obtain, for the first time in English, an account of the life and works of the various writers on Canon Law, a *Nomenclator* which will prove its value in frequent reference. Step by step, we are brought to the compilation of the Code. The reasons which dictated this *magnum opus* are given, the history and method of compilation, its character and relations with preceding legislation are recounted with the mastery of a close observer.

It may seem strange that in a work of this kind a commentary on the canons is included, but the nature of the canons of the First Book of the Code justifies the inclusion. Here the author follows the method prescribed by the Congregation for Seminaries and University Studies. Each title is introduced with an excursus on the particular topic, thus giving us six searching treatises: On Law; On Custom; On the Reckoning of Time; On Rescripts; On Privileges; On Dispensations. In the interpretation of each canon, the author begins

with a comparison of the Code law with the pre-Code or "old" law, and then develops the interpretation with a wealth of discussion and illustration. Finally, he adds practical cases, in which he expounds the decisions of the Commission for the Interpretation of the Code. Here the author manifests his broad acquaintance with the theory and practical application of law. No difficulty is shirked; each is faced and a reasoned solution is offered. The commentary on Canon I merits special mention, as the author for several years held a prominent place in the Congregation for the Oriental Church and assisted in the labor of codifying the Oriental ecclesiastical law. The treatment of the canon bears the stamp of this exceptional preparation.

The book, in a word, is an exposition of fundamental Canon Law in all its aspects. The original work was published when the author was Professor of Canon Law in the Apollinare at Rome. The translation is based on this edition of 1925, but has been considerably enriched from the manuscript of the author, by material drawn from his further experience as an official of the Roman Curia. It is a happy circumstance which now finds the author, at the time of publication, Apostolic Delegate to the country of publication.

The translators have done their work carefully and well. They have not escaped an occasional awkwardness in expression, that seems inseparable from translation, but this is a rare and a minor defect.

A book so laden with information would lose its effectiveness if not equipped with means of easy access. These have been supplied generously. The complete Index of Names, the ample Index of Subjects, the Index of canons treated (some 737) and the copious documentation will be appreciated by those who will make the work their main reliance for reference. The book is timely and will be welcomed by those who have long felt the need of such a work. It will mark our passage to a more mature attitude toward the venerable law of the Church.

LES PASSIONS DANS LA VIE MORALE. By H. D. Noble, O.P., S.T.M. Premier Partie, Psychologie de la Passion. Pp. 300. Deuxième Partie, Moralité de la Passion. Pp. 328. P. Lethielleux: Paris. 1932.

These two volumes are parts of a series *La Vie Morale d'après S. Thomas d'Aquin* being offered by Dr. Noble, who is not only one of the pioneers of the new Scholasticism in France but also the foremost representative of this movement in the study of the emotions. His work in these two latest volumes will go far to lift the suspicion that the scholastics, old and new, give slight attention to the emotional phases of life.

The first part is devoted to the psychological study of emotion, or, as Aquinas and the other scholastics called it, passion. The background of this volume is the analysis of the emotions offered by the Angelic Doctor, but against this are presented the best results of modern physiological and psychological study. It deals in twelve chapters with the nature of emotion; with the relation of emotion to thought, sensation, bodily structure and the will; with a classification of the emotions; with the temperament and character in their relations to emotion and with the pathology of the emotions. The spirit of the entire volume is progressive, though it is to be regretted that Dr. Noble is not more familiar with the psychological and psychiatrical literature in English and German. The pioneer work of the scholars who write in these two tongues cannot be ignored in any study of the emotions. Contemporary scholars will be amazed at the depths which Aquinas sounded in this study and which Dr. Noble, without attempt at propaganda, reveals.

The second volume of the work deals with the morality of emotions. In fifteen chapters it offers among others, the following studies of the relation of emotion from the ethical point of view: responsibility, sin, morality, merit, temperament and morality, psychopathic conditions and morality; emotion and virtue and the control of the emotions and emotional habits. There is also a keen study of the problem of what the author calls "sensibilité", or the relation of the sensile life of man to moral value, virtue, moral convictions, moral decisions, moral realizations, joy and sadness and moral conscience. The second volume, like the first, is progressive in spirit, Thomistic in structure and in touch with contemporary research and experiment in this field, in France. There is no reference to the literature or the research work of other nations.

These books are of real value to the new Scholasticism and will be of great profit not only to philosophers but to confessors and preachers as well.

THE ANNUAL OF THE AMERICAN SCHOOLS OF ORIENTAL RESEARCH. Vol. XIII for 1931-1932. New Haven: Yale University Press. 1933. Pp. x+167.

Of the four essays contained in this volume (T. J. Meek: Some Gleanings from the Last Excavation at Nuzi, p. 1-12; E. A. Speiser: Ethnic Movements in the Near East in the Second Millenium B. C., p. 13-54; W. F. Albright: the Excavation of Tell Beit Mirsim Ia: the Bronze Age Pottery of the Fourth Campaign, p. 55-128; C. C. McCown: the Goddesses of Gerasa, p. 129-166), the one by Professor Speiser, has the most direct appeal for the Scripturist, and will be

found most thought-provoking. It deals with the Hurrians, about whose very name there are some confusing differences among scholars (p. 16ff), a non-Semitic people (p. 45), who appear in Northern Mesopotamia toward the beginning of the Second Millennium (p. 25), recognizable as an ethnic unit (p. 35), but widely diffused over a vast area assumed formerly to have been predominantly Semitic (p. 31f), from Anatolia to Elam, and from Armenia to Egypt (p. 16-26). Of special interest to the Biblicist is the evidence for the presence of Hurrians or Hurri, a name of unknown origin (p. 19f), in Syria and Palestine, where Egyptian texts refer to them as Haru or rather Huru, and the Bible as the Horites (p. 27ff). In the Biblical text their presence is obscured in some places by the substitution of the Hivites, the two names being very much alike in the Hebrew square alphabet. At about the same time as the Hurrians, we find mention of the Habiru, whose presence is attested in largely the same territory, but who differ from the Hurrians in that they apparently comprise various ethnic groups, with a large Semitic element (p. 34ff). The Habiru are mentioned in Egyptian texts as Apiru, and their name corresponds to 'Ibri', "Hebrew" of the Old Testament (cf. Genesis 14; 13); p. 37ff. The Habiru were in contact with the Hurrians: the author notices in passing some interesting resemblances between the Old Testament and Hurrian customs and laws (p. 43ff). From the combination of the Habiru and the Hurrians (cf. p. 51) come the Hyksos invaders who held Egypt for a period the precise duration of which is disputed. The essay, which, on account of the lacunae in the evidence at present, contains a number of statements of conjectural character, touches quite naturally on the period of the Patriarchs. It shows that the narratives of the Patriarchs belong to real history (p. 43ff). The more fully we become acquainted with the background of that period, the better we see the value of the Biblical narratives.

KRAFT DER URKIRCHE. Das "Neue Leben" nach den Dokumenten der ersten zwei Jahrhunderte. Von Heinrich Schumacher. Herder & Co., Freiburg im Breisgau. 1934. Pp. x+171.

The question as to what is the Essence of Christianity is as old as the Church itself. Since Harnack published his famous book *Das Wesen des Christentums* more than a quarter of a century ago the problem has been kept in the forefront of Christian discussion and speculation. Many others, since then, have attempted to give a direct reply to this fundamental problem, and, as many as were those outside the Church who essayed a reply just so many were the

solutions which were offered. Here the entire question is reopened. The reply is not derived from the vague speculations which are suggested by the study of comparative religions or by the hypotheses which arise from comparing the Christian religion with the "mystery religions" of antiquity, or by attempting to compute the results of the impact of Oriental thought on Greek Philosophy and Roman pagan customs, but by an analysis of the obvious teachings of the New Testament reënforced by the equally obvious interpretation and analysis of the manner in which the Christian authors of the first two centuries understood the meaning and purport of the Christian religion. The author has been careful to avoid anything like polemics in his discussion of the subject, and has directed his attention solely to presenting the evidence which proves that the Apostles and their immediate successors looked on the religion for which they were prepared to lay down their lives, not as a new social movement, not as an effort to reinterpret Judaism, not as an effort to elevate the proletariat, but as a new creation and a new life for the soul.

The "New Life" is not a life of earthly grandeur such as the believers in a Messianic kingdom might have dreamt of, but an internal supernatural life which the soul lived entirely as a preparation for the life of glory in the kingdom of Heaven, a life not identical with that in the Kingdom to come, but fortified with the graces to make that life certain. Though the author does not dwell expressly on the doctrine of the Mystical Body, it is notable how closely his findings come to those which the defenders of the Mystical Body have collected and systematized.

The work is primarily exegetical in purpose and in character. It is an interpretation of a large number of texts scattered through the New Testament, and, at the same time, an illustration of the harmony of teaching and doctrine which is found among the sacred writers. It has, in addition, a specifically apologetic character. Sceptical writers have been accustomed to explain the miraculous diffusion of Christianity, especially in the world of antiquity, by appealing to purely natural causes. Since the time of Gibbon in the English-speaking world readers have been deceived into believing that there was nothing unusual in the manner in which the nations of the world were led to accept the message of the Gospel. In more recent times a variety of explanations has been offered to explain how it was that the Christian religion made headway against the apparently insurmountable obstacles to be found in pagan life and politics. In this book there is an explanation of the attractiveness the new religion must have offered to minds so long sunk in

pagan error and darkness, and, what is more important, it reveals the strength of the convictions they possessed in remaining faithful to their faith in the face of torture and death. The power of Christianity was in the fact that it had engendered a new life, an interior, spiritual, and supernatural life.

LATIN IN CHURCH. Episodes in the History of its Pronunciation, particularly in England. By F. Brittain, M.A. The Macmillan Co., New York. 1934. Pp. 70.

A man with a grievance, a mission, and learning always gets a hearing. The author's grievance is, that the custom of imitating the Italian pronunciation of Latin among church choirs and choral societies is growing on the Continent and in England. This innovation is referred to by the nickname of "chees and chaws", an epithet coined in derision by "hereditary Roman Catholics" to rebuke the Romanizing tendency of the "Anglican clerics who seceded to Rome in 1845 or shortly afterwards." The converts were covinced that what was Roman was Catholic and that what was non-Roman was not Catholic, and "not content with being Romanizers themselves, they were intent on romanizing also the 'Old Catholics' whom they regarded as an uneducated body and little better than Gallicans". Needless to say, Manning was implicated in this dark intrigue.

The romanizing of "Old Catholics" by converts was iniquitous enough for any taste, but the English soul froze when the "chees and chaws" invaded the chapels and churches of the Establishment. The author notes with foreboding that "there are at least two college chapels into which the 'chees and chaws' which annoyed the hereditary Roman Catholic about the middle of the nineteenth century have been introduced and can be heard whenever a Latin hymn or a Christmas carol with a Latin refrain is sung." History brings its retribution, however, and if the Anglicans have been "chee chawed," they have the consolation of seeing certain Catholic prelates strutting in finery borrowed from the Establishment. "The gaiters, apron, and top-hat inherited by the Anglican bishops of to-day from their predecessors of the eighteenth century, now decorate the persons of more than one member of the Roman Catholic hierarchy."

Uniformity in pronunciation may be hard to attain, but until it is assured, people must expect to be shocked at times. There is the case of the priest at Westminster Cathedral who heard the classical pronunciation for the first time when some priests sang "*in sighcula*

sighculorum instead of in *saycula sayculorum*. His first impression was that this must be a cockney pronunciation, and he expected to hear them say *lidy* for lady."

The author's earnestness and his missionary fervor are supported not only by a fine sense of humor but by sound sense and learning. He is not fanatical, and he is able, from history and observation, to point out to his coreligionists how futile it is to expect uniformity of pronunciation in any language, living or dead. The invocation of Spain as *Felix natio, ubi vivere est bibere,* and the example of the Bishop of Poitiers at the Vatican who retorted to the critics of his Latin pronunciation, *Gallus sum et Gallice loquor,* illustrate the difficulties which beset the seekers of uniformity in Latin pronunciation. The work ends on an encouraging note: "God forbid," says a well-known Roman Catholic writer of to-day, "that we should try to make devotion into a highbrow exercise . . . Church Latin was not meant to mystify. It was meant to express not to conceal."

Literary Chat

The Ordo according to the Calendar of the Universal Church for 1935 has been published by the Ephemerides Liturgicae Press, via Pompeo Magno, Rome.

The National Council of Catholic Men has published fifteen radio addresses delivered in the Catholic Hour, 24 December, 1933 to 1 April, 1934, by Very Reverend Monsignor Fulton J. Sheen. (*The Eternal Galilean,* pp. 147, 1312 Massachusetts Ave., N.W., Washington, D. C.) This is the sixth series of Radio Talks of the distinguished preacher brought out by the National Council of Catholic Men. Thirty-four such pamphlets have been published since the Catholic Radio Hour was inaugurated.

The Gregorian Society of Rome, Piazza della Pilotta 4, has issued during the current year numbers 11 to 15 of its series *Textus et Documenta.* They are the following: *Sancti Augustini Doctrina de Cognitone,* by Leo W. Keeler, S.J.; *De Origine et Evolutione Interdicti* (nos. 12 and 13), by William Richter, S.J.; *Quaestio de Unico Esse in Christo,* Edgar Hocedez, S.J.; *S. Leonis Magni Epistulae contra Eutychos praemittuntur.* (AA. 449-451.) C. Silva-Tarouca, S.J. and F. Di Capua.

Those who have lost or forgotten the exhortation of Pius X to priests, *Haerent Animo,* will find it reproduced in *Priestly Perfection,* One Hundred Brief Meditations based on the Exhortations of Pius X to the Clergy. (From the original of the Rev. Robert Montoli, Missionary Oblate, by the Rev. Thomas J. Tobin, S.T.D. Preface by the late Cardinal Merry Del Val. Benziger Brothers, N. Y. Pp. 536.) The meditations are short, rarely over four brief pages in length. The book is well made, attractively bound and about the size of an average prayer book. The reflexions follow closely the text of the Holy Father and sustain the traditional concept and claims of the priesthood with which we are so familiar that we are often inadvertent toward them.

A good explanation of the Mass written in plain language will be found in a booklet of 87 pages which has just been brought out by P. J. Kenedy and Sons, New York. (*A Simple Explanation of Low Mass*, by a *Secular Priest*.) The author confines himself strictly to the action of the Mass. His introduction contains a brief historical sketch which anticipates many of the practical questions that one might ask. The text is accompanied by 43 illustrations taken from the ordinary celebration of Low Mass. A text like this might well be recommended to parents who wish to maintain a tradition of intelligent piety in their homes. The reading and discussion of it by parents and children for an occasional half-hour in the evening would take its place as an important factor in the development of family piety.

Two other little publications that would serve the same good purpose have been brought out in the Catholic Action Series of Study Club Text Books. (*The New and Eternal Testament*, An Elementary Study of the Mass; its early history and disciplinary canons, by the Rev. F. J. Morrell, Chancellor of the Diocese of Wichita, and Angela A. Clendenin, Chairman of Study Clubs, pp. 55; also *Altar and Sanctuary*. An Exposition of the Mass by Angela Clendenin, Introduction by the Rev. Leon A. McNeill, M.A., Diocesan Superintendent of Schools, Wichita, pp. 56). Both are published by the Catholic Action Committee of Women, 307 East Central Avenue, Wichita, Kansas. The texts are intended to be used by study clubs, and directions to that effect will be found in each of them. An adequate bibliography of easily available works is given.

The rapid development of study clubs is a feature of our present Catholic life. No pastor can afford to be indifferent to them. Their supplementary rôle in the work of practical instruction of the faithful can be made most significant under proper encouragement and direction. It is one detail in the whole movement of adult education toward which so much attention is now directed throughout our social life. It would be lamentable were we to be indifferent to this opportunity to improve the instruction of the laity and to assure to them a joy in spiritual life which is one of the intended compensations of earnest piety.

The thirtieth volume of the Catholic Educational Association Reports is a peer if not a superior of its predecessors. (*Report of the Proceedings and Addresses of the Thirtieth Annual Meeting of The National Catholic Educational Association*, St. Paul, Minn., 26-29 June, 1933, 1312 Mass. Ave., N.W., Washington, D. C., pp. 664.) Crowded into its 664 pages is a wealth of materials that will prove of permanent worth to all those interested in and devoted to the one thing necessary in the United States to-day—an education in which Religion is the central and dominant aim. To single out any one of the sixty and more papers in order to point out their outstanding merit would to some extent break the synthesis. Each teacher, pastor, professor and superintendent will find in the well-knit collections of the deliberations of the St. Paul Convention of the National Catholic Educational Association topics of special interest. Each paper presents its facts with conviction, directness and relative completeness. The twelve-page index, a special feature of this well-edited *Report*, will be found of most practical worth. It will reveal to all the scope and value of the *Report* as a whole and thus make it a work-book of no mean significance to those interested in such live topics as Catholic leadership in the social and economic fields, social adjustments in our Catholic colleges, education for nurses, departmental teaching of religion, character and will education, Catholic Action, Scouting under Catholic auspices, the teaching of the natural sciences, the education of the blind, etc.

The only topic of perennial interest and of special import at this time which was not treated was that of health education. With the increase of leisure and the toll exacted by the grinding toil of modern efficiency, this topic of education for health be-

comes a constant challenge to our schools. Its religious and moral implications are indeed far-reaching. We trust this topic will find a place in the future reports.

Paul Claudel, former French Ambassador to the United States, has exercised marked influence beyond diplomatic circles by literary work characterized by sure and penetrating spiritual insight. Readers in the English-speaking world have an opportunity now to acquaint themselves with his views on many subjects, since the Rev. John O'Connor, who was Chesterton's original Father Brown, translated a number of his papers and occasional addresses. They are published in one volume, under the title *Ways and Crossways.* (Sheed and Ward, New York; pp. 260.) The Blessed Eucharist, the Presence of God, the Return to "Childhood's Winsome Faith", St. Joseph, Justice, Evil and Liberty, Prayer, Religion and Poetry, Art, are among the topics treated here. One notes the remarkable way in which the gifted author weaves the natural and the supernatural into one supreme pattern whose beauty attracts and holds a thoughtful reader. In Catholic philosophy religion is life and life is religion. The doctrines of faith are the roots of life. The forms of faith in ceremony, prayer and institution are elaborate and exact revelations of spiritual principles. This tone of the volume offers much by way of instruction and correction of which all of us have constant need. There is much of cultural and spiritual value here for any reader who wishes to find it. The translation is splendid.

The Rev. J. E. Moffat, S.J., deals with the spirit and forms of ordinary prayer very effectively in a booklet of sixty-four pages. (*Taste and See*, Bruce Publishing Company, Milwaukee.) His problem is stated as follows: "It is to be feared that for many of us our daily prayer is to a great extent a mere recitation of fixed formulas, good and beautiful in themselves, but whose wealth of beautiful meaning we have never fully appreciated because we have not delved beneath the surface of the words we use—because our prayer has been in no slight degree a matter of lip recitation rather than an outpouring of mind and heart." The author takes our ordinary prayers, the Our Father, the Hail Mary, the Apostles' Creed, Confiteor and the Acts of Faith, Hope, Love and Contrition, and deals with each analytically, phrase by phrase, bringing to the surface in everyday language many doctrinal and moral implications. While the author intends the little work for personal meditation, it should serve admirably as the basis of a series of instructions to the faithful. The work may be cordially recommended for both types of service to the parish clergy.

The same author has brought out a booklet of ninety-four pages as Series 3 of *Minute Meditations.* (*Thoughts on the Holy Eucharist.* Bruce Publishing Company, Milwaukee.) While the little meditations take up the commonplace virtues of the Christian life, the author relates them to the Blessed Sacrament as the center of Catholic worship and prayer. All of us would do well to follow the spirit of the author and build our lives around the Blessed Sacrament. After all, our spiritual lives are like a rainbow that spans the firmament and rests on two Communions — the first one in the days of innocence and the second, the Viaticum that prepares the weary traveler for his eternal home.

A good commentary on a number of the fundamentals of Catholic faith and a discussion of the points of contact between supernatural and social life is given to us by Dom Hilaire Duesberg, O.S.B. (*My Faith.* What does It mean to Me? Translated by Ada Lane, M.A.Oxon., Benziger Bros., New York; pp. 274.) The exposition takes up Catholicity as the Religion of Ritual, of Inner Life, of Understanding, Morality, Society, the Individual and Suffering. The lay reader no less than the priest will find the work instructive and interesting. The author aims to be practical, and he is practical. One who lives near to the

actual complications of social life and who is conscious of social changes to which the author properly refers, may be conscious of many problems in dealing with which he needs strong direction. The author has a good chapter on the Church as the Religion of Society. Since he is writing for laymen he would have done well had he taken into account specifically the expected contribution of the faithful Catholic to social integrity. The significance of the ballot, industrial justice, the repudiation of political graft, the specific obligations of property, the Catholic's obligation to take a wholesome interest in public welfare and the moral heroism so often required by the ideals of good citizenship are matters of grave concern to the Church, and we have need of constant and exact attention to such problems. The effective solution of them should appear in the discussion of the Church as the Religion of Society. The author says (p. 147): "Laws lag behind morals". Is it not also true that Moral Theology has difficulty in keeping up with new problems of social life.

Books Received

SCRIPTURAL.

THE BIBLE FOR EVERY DAY. Selected and edited by the Most Rev. Alban Goodier, S.J., Archbishop of Hierapolis. Preface by the Rev. C. Lattey, S.J., Professor of Scripture at Heythrop College. P. J. Kenedy & Sons, New York. 1934. Pp. xxix—286. Price, $2.10 *postpaid.*

THE OLD TESTAMENT. The Book of Malachy. By the Rev. Cuthbert Lattey, S.J., M.A.Oxon., Professor of Fundamental Theology, Heythrop College, Chipping Norton, Oxon., General Editor of the *Westminster Version of the Sacred Scriptures*, of which this work is a part. Longmans, Green & Co., London, New York, Toronto. 1934. Pp. xxxvi—21. Price, $0.90.

THEOLOGICAL AND DEVOTIONAL.

THE SPIRITUAL LEGACY OF NEWMAN. By William R. Lamm, S.M., S.T.L. (*Religion and Culture Series.* Joseph Husslein, S.J., Ph.D., General Editor.) Bruce Publishing Co., Milwaukee, Chicago, New York. 1934. Pp. xxii—234. Price, $2.00.

THE CONFRATERNITY OF CHRISTIAN DOCTRINE IN IRELAND: A. D. 1775-1835. A Chapter of Organized Catholic Action through Popular Education. By the Rev. Martin Brenan, M.A., B.D., B.C.L., St. Patrick's College, Maynooth. (*Department of Education, University College, Dublin* — National University of Ireland.) Browne & Nolan, Ltd., Dublin, Belfast, Cork, Waterford. 1934. Pp. 27. Price, 1/- *net.*

THE LIVES OF THE SAINTS. Originally compiled by the Rev. Alban Butler. Now edited, revised and copiously supplemented by Herbert Thurston, S.J. and Donald Attwater. Vol. IX: September. P. J. Kenedy & Sons, New York. 1934. Pp. xii—394. Price, $2.90 *postpaid.*

AVE MARIA. A Short Commentary on the Hail Mary. By the Very Rev. Lawrence C. Diether, O.Carm., Provincial of the Carmelites. Carmelite Press, 6413 Dante Ave., Chicago. 1934. Pp. 78. Price, $0.60; paper cover, $0.25.

JUDAISM. By A. Vincent, Professor in the Faculty of Catholic Theology at the University of Strasbourg. Translated by James Donald Scanlan, D.C.L. B. Herder Book Co., St. Louis. 1934. Pp. 261. Price, $1.50 *net.*